**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL PETITION Nos.10677 and 10881 OF 2013**

**COMMON ORDER:**

These two Criminal Petitions arise out of Crime No.470 of 2013 of III Town Police Station, Visakhapatnam, they are disposed of by way of common order.

2. Crl.P.No.10677 of 2013 is filed by the petitioner/A.4 and Crl.P.No.10881 of 2013 is filed by the petitioners/A.2 and A.3 under Section 482 Cr.P.C. seeking to quash the proceedings in the aforesaid crime.

3. The 2nd respondent filed a private complaint, which was referred to police under Section 156 (3) Cr.P.C, who in turn registered a case in Crime No.470 of 2013 for the offences punishable under Sections 120-A, 416, 420, 463 and 464 I.P.C. The allegations in the complaint would go to show that the complainant and A.1 to A.4 are partners of M/s. Gowri Shankar & Company. The *de facto* complainant is having 33% share in the said company. The *de facto* complainant stayed at USA from the year 1991 to 2008. It is alleged that taking advantage of complainant staying at USA, A.1 fabricated a false partnership deed excluding the name of the complainant and opened bank accounts at various places and thereafter, transferred the amount to the SB account of one Shilpi Mukhi at Jamshedpur and thereby cheated the complainant. All the signatories in the partnership deed are responsible for fabrication of partnership deed. Therefore, A.1 to A.4 committed the offences of cheating, mischief and

fabrication of false document with a view to make unlawful gain to the complainant.

4. Learned counsel for the petitioners submits that the petitioners are no way concerned with the business of the *de facto* complainant; that since A.4 is father-in-law of A.1, he has been implicated in the present case; that the *de facto* complainant and A.1 are none other than own brothers and after death of their mother, partition disputes arose between them and with a view to take vengeance, the present false complaint has been filed; that no specific allegations are attributed against the petitioners; that even according to the compliant, A.1 alone conducted the transactions in the bank account and A.2 to A.4 are only signatories in the partnership deed and hence, prays to quash the proceedings.

5. This Court perused the record and heard the arguments.

6. On 24.09.2013 this Court while issuing notice to the 2nd respondent, granted interim stay of investigation in aforesaid crime for a period of four (04) weeks and thereafter, it was extended until further orders. The truth or otherwise of the allegations against the petitioners herein, can be ascertained during the enquiry. Therefore, this Court is not inclined to interfere with the proceedings against the petitioners in the above case.

7. In view of the facts and circumstances of the case and considering the submissions of learned counsel for the petitioners, these two Criminal Petitions are disposed of directing respondent/police to proceed with the investigation in the aforesaid crime without arresting the petitioners/A.2, A.3 and A.4,

and file Final Report, as expeditiously as possible. Miscellaneous petitions, if any, pending in these two Criminal Petitions shall stand closed.

**JUSTICE RAJA ELANGO**

**AUGUST 27, 2016**
**YVL**

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL PETITION Nos.10677 and 10881 OF 2013**

**Date: 27.08.2016**

YVL