

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3361 OF 2016

ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in C.C.No.569 of 2014 on the file of the XI Additional Chief Metropolitan Magistrate, Secunderabad, arising out of offences under Sections 418, 420, 506, 324 IPC read with Section 34 IPC.

Heard and perused the material available on record.

The main grounds urged by the learned counsel for the petitioners are that even according to the complaint lodged by the complainant that money is parted by the *de facto* complainant only on the oral request and that the complainant has not produced any receipt for payment of the said amount to the first petitioner herein. Insofar as the other petitioners are concerned, there are no allegations against them for the offences under Sections 419 and 420 IPC and that they are added as accused for the occurrence allegedly took place in connection with demand of the said money by the complainant. Hence, the learned counsel prays this Court to quash the proceedings initiated against the petitioners herein.

This Court is of the view that to attract an offence under Section 420 IPC, it is not necessary that there should be a document to show that the complainant has parted the money in favour of the first petitioner herein. Insofar as other petitioners are concerned, the allegations are that on the date of occurrence, they abused, threatened and caused injuries on the complainant and as such, this Court is of the view that the said aspects are necessarily to be decided by the Court below after examination of the witnesses concerned. Hence, this Court is not inclined to quash the proceedings against the petitioners. However, considering the facts and circumstances and also as the question of identity of the petitioners does not arise, the presence of the petitioners is dispensed with before the Court below, except the dates on which the Court below insists for their appearance. The petitioners shall be represented through their counsel before the Court below on all hearing dates.

The Criminal Petition is accordingly dismissed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

15.03.2016

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