

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2120 of 2016

ORDER:

-

1. This Criminal Petition is filed by the petitioner-accused under Section 482 Cr.P.C. seeking to quash the proceedings against her in C.C.No.124 of 2015 on the file of the Additional Judicial First Class Magistrate, Sathupalli.

2. It is case of the prosecution that the 2nd respondent-de facto complainant, who is a Sub-Inspector of Police, along with his police constables rushed to the house of the petitioner and searched her house and found empty promissory notes and empty blank cheques. Immediately, the 2nd respondent interrogated the petitioner and during the course of interrogation, the petitioner confessed that she is running money lending business since some days and she has given money to general public in and around the villages and collected the money with high interest. If the borrower fails to make repayment, the petitioner calculates the money by adding the interest in 4 or 5 times, fills the promissory notes, cheques and files cases against the borrowers. Basing on the confession and seizure panchanama, the 2nd respondent registered a case in Crime No.190 of 2014 for the offence punishable under Section 420 IPC and Sections 3, 5 and 6 of Money Lending Act. During the course of investigation, the 2nd respondent recorded the statements of L.Ws. 1 to 3, who are police personnel, and filed the charge sheet and the same was numbered as C.C.No.124 of 2015.

3. Learned Counsel for the petitioner submitted that the entire version of the prosecution is nothing but the replica of the confessional statement and seizure panchanama and that the 2nd respondent relied

upon the alleged confessional statement of the petitioner, which is not admissible under Section 25 of the Evidence Act and therefore, the proceedings are liable to be quashed.

4. As rightly contended by the learned Counsel for the petitioner, except the confessional statement alleged to have been made by the petitioner, there is nothing on record to connect the petitioner with the above crime, and further, there are no independent witnesses and there is no complaint from any of the borrowers. In the absence of any such complaint from any of the alleged borrowers/victims and the in the absence of any independent witnesses, the very initiation of the criminal proceedings against the petitioner suffers from legal infirmity and therefore, the proceedings against the petitioner can be quashed.

5. Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioner in C.C.No.124 of 2015 on the file of the Additional Judicial First Class Magistrate, at Sathupalli, Khammam District. Consequently, miscellaneous petitions pending if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 19th February, 2016
Nn

THE HONOURABLE SRI JUSTICE RAJA ELANGO

-

-

-

-

-

-

-

-

-

-

-

-

CRIMINAL PETITION No.2120 of 2016

-

-

-

-

19.2.2016

Nn