

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2492 OF 2016

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioners/A.3 to A.6 seeking to quash the proceedings in Crime No.89 of 2016 on the file of the Meerpet Police Station, Cyberabad, registered for the offences under Sections 420 and 506 IPC.

The case of the prosecution is that A.1 informed the *de facto* complainant that he is procuring rice from the dealers and supplying the same to the hostels, canteens, hotels etc and further promised that he would see that the complainant also earns huge money if he joins with A.1 for the purpose of business. Believing his words, the complainant assisted A.1 and finally, he stood as guarantor for the rice supplied to A.1. It is further alleged that A.3 to A.6 also joined with A.1 and A.2 to cheat the complainant. Subsequently, when the complainant and the person, who supplied the rice, demanded the accused to pay the amounts due, A.1 issued cheques and that the same were dishonoured. Thus, the accused cheated the complainant.

Heard and perused the material available on record.

Considering the above facts and circumstances of the case, this Court is of the view that the truth or otherwise of the allegations made in the complaint can be investigated by the investigating agency and as such, this Court is not inclined to quash the proceedings. However, the case is arising out of a business transaction, the question of identity of the accused does not arise and the custodial interrogation is not necessary, and as such, this Court directs the police concerned to complete the investigation without arresting the petitioners/A.3 to A.6 and file final report, if any, in accordance with law. The respondent/police is also at liberty to call the petitioners/A.3 to A.6 for the purpose of investigation.

With the above directions, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

25.02.2016

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