

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.15480 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. to quash the proceedings in Cr.No.199 of 2016 of Nagarampalem Police Station, for the offences punishable under Sections 420, 468, 471 I.P.C. and 76 of Chit Fund Act.

It is alleged in the complaint that defacto complainant-2nd respondent herein lodged a complaint to the Station House Officer, Nagarampalem Police Station alleging that he joined as a member in Sobitha Chit Fund Company, Pvt.Limited on 5-10-2012 under Chit Group SBLX-1, Ticket No.6 under chit agreement for a chit amount of Rs.10,00,000/- and in that chit, number of instalments are 40 and monthly instalment amount is Rs.25,000/-and the date of first instalment to be paid is on 28-10-2012 and that he was continued upto 19 months, but the petitioner rejected to pay the dividend and cheated the defacto complainant and that the petitioner disallowed him to continue from 28-1-2016 without refund of amount paid by him and he also made certain allegations against the petitioner about forging his signature for return of amount etc.,

These allegations on its face value would go to establish prima facie that petitioner did not repay the chit amount to the defacto complainant paid by him and did not allow him to continue as scribe of chit amount.

Therefore, the petitioner allegedly committed offences punishable under Sections under Sections 420, 468, 471 I.P.C. and 76 of Chit Fund Act.

The only contention before this court is that there is a delay of 3 years in presenting the complaint and the alleged offence took place on 28-1-2016 but the defacto complainant submitted a complaint on 13-7-2016, but the contention of the petitioner is that deposit was made with the sub-Registrar in the year 2012.

Whether the petitioner has cheated the defacto complainant and whether he committed the other offences referred supra and whether there is any delay in presenting complaint are the matters to be decided during the course of trial but not at this stage and as such, the proceedings in Cr.No.199 of 2016 of Nagarampalem Police Station cannot be quashed since the allegations made in the complaint would prima facie on its face value constitute the offence punishable under Sections referred supra.

Therefore, I find no grounds to quash the proceedings and as such, this Criminal Petition is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed at the stage of admission.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 1-11-2016.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 1-11-2016

Dvs