

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2321 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to quash the First Information Report in Crime No.133 of 2016 of Mulkanoor Police Station, Karimnagar District.

2. Petitioner herein is arraigned as accused No.1 in the aforesaid crime. He alleged to have committed the offence punishable under Section 420 read with 34 I.P.C.

3. Heard Sri Padala Pravin Kumar, learned counsel for the petitioner, and learned Additional Public Prosecutor for the State of Telangana.

4. Serious allegations have been levelled in the complaint, dated 08.10.2016, that the petitioner herein along with one Dora Eshwar (accused No.2) impressing upon respondent No.2 – *de facto* complainant that they would provide a job to him in GENCO, collected an amount of Rs.3,20,000/- and having waited for considerable period, when respondent No.2 questioned them as to their lethargic attitude, they stated that if he pays a further amount of Rs.1,00,000/-, he would definitely get a job in GENCO.

5. Learned counsel for the petitioner would now submit that the petitioner got issued a notice, dated 01.09.2016, demanding respondent No.2 to return the signed blank non-judicial stamp paper, dated 02.07.2016, said to have obtained by him, and respondent No.2, having got aggrieved of the same, foisted a false case against the petitioner. But, these are all disputed questions of fact, which have to be examined by the Investigating Agency. Therefore, certainly, it is not a case where the abuse of process of law can be viewed, as sought to be viewed by the learned counsel for petitioner.

6. Hence, the present Criminal Petition is dismissed. However, the Investigating Officer is directed to follow the procedure inlaid by the provisions of Section 41A of the Code and also the guidelines laid down by the Honourable Supreme Court in **Arnesh Kumar v. State of Bihar and another**¹, since the offence alleged against the petitioner is punishable with imprisonment which may extend to seven years only.

7. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

April 11, 2017.
MD

A. SHANKAR NARAYANA, J

¹2014 (8) SCC 273