

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL PETITION No.9833 of 2011

ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

2. Though notice is served on the second respondent, there is no representation on her behalf.

3. The petitioner filed the present criminal petition to quash the proceedings initiated against him for the offences punishable under Sections 406, 420, 120-B IPC and Section 5 of A.P. Protection of Depositors of Financial Establishments Act, 1999 in Crime No.119 of 2011 of II Town Police Station, Nellore.

4. The facts of the case are that the second respondent herein filed a complaint before the Station House Officer, II Town Police Station, Nellore stating that she is eking out her livelihood by doing coolie work. In recent times, the New Vision Foundation established near their house collected deposits from various persons by saying that if Rs.12,000/- is deposited in the foundation, within six months Rs.62,000/- will be paid. Having believed the statements made by the members of the said foundation, the second respondent paid Rs.12,000/- and obtained a receipt. In similar fashion, the daughter of the second respondent, her sister, and others also deposited Rs.12,000/- each and in all Rs.3,50,000/- were paid to the persons by name Raghuram Kiran, Laxmi Madhavi, Rani, Nagamani and others representing the said foundation. However, as per the promise

made by them, they have not paid the amounts, and thereby they have deceived them. The said foundation has also closed the establishment and their whereabouts are not known. Therefore, a complaint was lodged to take action against the concerned.

5. In pursuance of the said complaint, a crime was registered vide F.I.R.No.119 of 2011 for the offences mentioned supra.

6. Aggrieved by the registration of the said F.I.R., the petitioner filed the present criminal petition to quash the proceedings against him on the ground that he is not a member in the said New Vision Foundation and he is not holding any post. That apart, the counsel for the petitioner also submitted that the petitioner was not named in the F.I.R. and he has absolutely no connection of whatsoever with the said New Vision Foundation and sought to quash the proceedings against him.

7. Upon instructions, the learned Public Prosecutor submitted a note narrating the brief facts of the case wherein it is mentioned that the petitioner herein was arrayed as A-8 on 01.09.2011 on the ground that he is a friend of A-1 (Chairman) and played overall in-charge of the said Trust. Be that as it may, the crime is at the investigation stage and the allegations leveled in the complaint are very serious in nature. Therefore, at this stage, this court cannot assess the veracity of the statements in the criminal petition. The scope of interference by this court under Section 482 Cr.P.C. is very limited when the crime is under investigation. The contents of the complaint and the instructions placed before the court by the learned Public Prosecutor would clearly establish that the petitioner

herein is associated with the New Vision Foundation. Therefore, this court is not inclined to interfere with the investigation. Therefore, this court feels that there are no merits in the petition and the same is liable to be dismissed.

8. Accordingly, the criminal petition is dismissed. However, the investigating officer may complete the investigation as expeditiously as possible and in the process of investigation, if the presence of petitioner is required, he may resort to the procedure contemplated under Section 41-A Cr.P.C. as per law.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

Interim order, if any, passed by this Court shall stand vacated.

Date: 24.10.2017
ccm

JUSTICE P. KESHAVA RAO



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Date:24.10.2017

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