

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL PETITION No.10195 of 2011

ORDER:

Heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor appearing for the 1st respondent.

2. The petitioner being the sole accused filed the present Criminal Petition to quash the proceedings initiated against him in FIR No.281 of 2011 of Chilakaluripet Police Station, Guntur District, registered for the offences under Sections 420 & 506 IPC.

3. The facts of the case are that the second respondent herein lodged a private complaint in CFR No.5985 of 2011, on the file of the Court of the Additional Junior Civil Judge, Chilakarupet against the petitioner herein for the offences under Sections 420 & 506 IPC. In the said complaint, it is stated that the second respondent was running a wholesale and retail business as the proprietor of the Vasavi Fancy Kirana and General Stores, Chilakaluripet from 1986. During the course of business, the petitioner herein requested the second respondent to extend the credit facility for purchasing the commodities on regular basis. Accordingly, the second respondent accommodated him. In the course of business, the amounts due was accumulated to a tune of Rs.6,52,633/- and thereupon, when the second respondent on 09-09-2011 at 8:00 A.M., went to the house of the petitioner and demanded for repayment, he was threatened and warned with dire consequences. As such apprehending danger to his life in the hands of the petitioner, the second respondent lodged a private complaint. The said complaint appears to have been referred under Section 156 (3) of Cr.P.C., to the concerned police.

After receipt of the complaint, the concerned police have registered a Crime in FIR No.281/2011, dated 26-09-2011 for the offences under Sections 420 & 506 IPC. Aggrieved by the same, the present Criminal Petition is filed.

4. Learned counsel appearing for the petitioner contends that the matter is purely civil in nature and the second respondent has devised the method of lodging a criminal complaint so as to pressurise the petitioner for payment of the amount due.

5. A perusal of the contents of the complaint would reveal that there is a specific allegation in the form of incident happened on 09-09-2011 at 8:00 A.M. The petitioner threatened the complainant in the presence of one Gutta Venkata Rao and Ganga Ravi Kumar and warned with dire consequences. In the light of the said specific allegation, this Court is not inclined to decide whether the said incident happened or not and it is a matter for investigation. Such a dispute cannot be gone into under Section 482 of Cr.P.C. Therefore, this Court is not inclined to accept the contentions of the petitioner to quash the proceedings.

6. In the result, the Criminal Petition is dismissed. However, it is open for the concerned police that if the presence of the petitioner is required during the course of investigation, they can resort to the provisions of Section 41-A of Cr.P.C., as per law.

7. Miscellaneous petitions pending consideration, if any, in this Criminal Petition, shall stand closed in consequence.

JUSTICE P. KESHAVA RAO

Date:20.10.2017
mrb

