

HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No. 7345 OF 2011

ORDER:

1. The petitioner/Accused No.2 filed this Criminal Petition under Section 482 Cr.P.C. seeking to quash the proceedings in Crime No. 557 of 2011 registered against him on the file of Station House Officer, Police Station, Vanasthalipuram, Cyberabad for the offences punishable under Sections 420, 506 and 406 IPC.

2. The contention of the petitioner/Accused No.2 is that on 06.06.2009 one Smt. Satya Sai came to the house of complainant and informed that her husband is in Dubai and they could get GoLd at cheaper price and took an amount of Rs.10.00 lakhs each on three occasions. Similarly from so many people, she had collected the amounts and subsequently did not either give gold or showed any interest to return the amount. It is further contended that he (petitioner) is falsely implicated with ulterior motive and that he is living separately from Smt. Satya Sai.

3. On the other hand, the contention of the de facto complainant is that Smt. Satya Sai approached him stating that her husband is in Dubai and they would brought gold at cheaper rate. It is further contended that believing her version, he gave Rs.30.00 lakhs on three occasions to her. Later, she did not give

gold either to the complainant or others by saying that the amount was deposited and required some more money. Saying so, she took Rs.20.00 lakhs from him (complainant).

4. A perusal of the record goes to suggest that there is specific allegations that Smt. Satya Sai promised to give gold at cheaper price and took nearly Rs.50.00 lakhs from the complainant and others. When they approached her husband, petitioner herein, he stated that he has no connection with said Smt. Satya sai, who is his ex-wife. The petitioner herein is arrayed as Accused No.2 in the aforesaid crime.

5. At the time of admission of Criminal Petition on 23.08.2011, this Court granted interim stay of all further proceedings in Crime No.557 of 2011.

6. In view of the specific allegations levelled against the petitioner/A.2, it is not a fit case to quash the proceedings in Crime No. 557 of 2011. There is absolutely no material to say that initiation of criminal proceedings against the petitioner/A.2 is abuse of process of law. I see no prima facei case to interdict the investigation.

7. The Criminal Petition is therefore dismissed. The interim stay granted by this Court on 23.08.2011 automatically stands vacated.

8. Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence.

JUSTICE N. BALAYOGI

DATED 11th October, 2017.
Msnr_x

