

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9504 of 2017

ORDER :

Heard learned counsel for the petitioner/ A2 of Crime No.239 of 2017 of Patamata Police Station, Vijayawada, registered for the offences punishable under Sections 354(A) and (D) and 509 r/w 34 I.P.C. and learned Public Prosecutor representing the State before ordering notice to respondent No.2/ de facto complainant and perused the grounds urged in the quash petition and the lengthy F.I.R. in Telugu with English translation not only against the petitioner but also against several others.

The main contention of the learned counsel for the petitioner is that the petitioner, in February, 2017, filed C.C.No.90 of 2017 against the de facto complainant, registered for the offence punishable under Section 138 of the Negotiable Instruments Act (for short 'the Act') for dishonour of the cheques bearing Nos.000025, 000027 and 000028 dated 25.10.2016 each for Rs.2,00,000/- and the present crime is a counter blast to it.

The learned counsel for the petitioner placed reliance on the expression of the Apex Court in *Rishipal Singh v. State of U.P.*¹ wherein at para-17 held that the Courts have to be very careful while exercising the power under Section 482 Cr.P.C. At the

¹ (2014(2) SCC 215)

same time we should not allow a litigant to file vexatious complaints to otherwise settle their scores by setting the criminal law into motion, which is a pure abuse of process of law and it has to be interdicted at the threshold. There is no dispute on the proposition.

The fact remains that the present crime is registered against the petitioner to serve as a counter blast to the cheque bouncing case in C.C.No.90 of 2017 filed by the petitioner/ A2 herein. As the very report involving several persons in exploiting the de facto complainant sexually and her lust including by the petitioner as one of the persons, it requires investigation.

Having regard to the above, the Criminal Petition is dismissed. However, at best, the petitioner is entitled to protection under Section 41-A Cr.P.C. All the defences are left open after the Police filed final report, if at all taken cognizance.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

Date:11-10-2017

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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.3276 of 2014

DATE: 24.08.2017



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