

HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.8275 of 2017

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking quashing of proceedings in Crime No.438 of 2017 of Pendurthy Police Station, Visakhapatnam District, which was registered for the offences punishable under Sections 509 and 420 of IPC.

The averments in the report indicate that the accused collected a sum of Rs.4,80,000/- from the informant, promising to provide a job in DSC-2014. It is stated that the whenever the informant was insisting the petitioner for providing job or to return the amount, the accused was postponing the same on one pretext or the other. Hence, initially the informant is said to have lodged a report before Pendurthy Police Station in the year 2016. But the police did not take any action against the accused. However, after several persuasions, the police called the petitioner on 31.05.2017 for return of the money. But when the petitioner did not turn up, the informant made a call to the petitioner, who threatened her with dire consequences. Basing on these allegations, the above crime came to be registered against the petitioner.

As seen from the allegations in the report, the petitioner collected money with a promise to provide employment and thereafter failed to provide the same. When the informant demanded return of the amount, the accused threatened her with dire consequences.

Therefore, prima facie, it can be said that allegation of cheating is made out against the petitioner and hence the matter requires a detailed investigation.

In view of the above, the request of the petitioner to quash the proceedings is rejected. However, since the offences alleged are punishable with imprisonment for seven years or less, the investigating agency shall follow the guidelines laid down by the Apex Court in *Arnesh Kumar v. State of Bihar and another*¹, provided the case of the petitioner does not fall within the parameters of Section 41 of Cr.P.C.

With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, shall also stand closed.

19.09.2017
vnb



C. PRAVEEN KUMAR, J

¹ 2014 (2) ALT (CrI.) 457 (SC)