

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.1190 OF 2017

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in C.C.No.2 of 2016 on the file of the Principal Assistant Sessions Judge, Kurnool, more particularly, insofar as the offence under Section 420 I.P.C. is concerned.

2. Heard learned counsel for the petitioner and the learned Public Prosecutor (A.P.) appearing for respondent No.1 and with their consent, the criminal petition is disposed of at the stage of admission.

3. A perusal of the report given by the *de facto* complainant shows that there were some chit transactions between herself and the petitioner and that the petitioner cheated her. Hence, it cannot be treated as a case where no offence is made out against the petitioner. It is only under exceptional circumstances the powers under Section 482 Cr.P.C. would be invoked. Hence, this Court does not see any such special circumstances for invoking the provision under Section 482 Cr.P.C. However, the petitioner is at liberty to file a discharge petition before the Court below. The petitioner shall file the discharge petition, if she chooses so, within a period of two (2) weeks from the date of receipt of a copy of this order. During the pendency of the discharge petition, the Court below shall not insist upon the presence of the petitioner unless it is necessary for the proceedings.

4. With the above observation, the Criminal Petition is disposed of.

5. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

Date : 27.10.2017
AMD

JUSTICE T.RAJANI



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