

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL PETITION NO.8069 OF 2010

ORDER:

Heard the counsel for the petitioners as well as the respondents.

The present Criminal Petition is filed to quash the proceedings initiated against the petitioners in Crime No.124 of 2009 of Central Crime Station (CCS), Hyderabad for the offences under Sections 419, 448 and 506 of the Indian Penal Code (IPC).

The facts of the case are that originally, the fourth respondent lodged a complaint on 30.04.2009 stating that two gentlemen, by names Giridhar Reddy and Vijay, came to the office of Travel Point at Basheerbagh, Hyderabad stating that they are from the Emigration Office and asked the fourth respondent to stop the interviews that are being conducted in his office. They have asked the fourth respondent to produce original documents for the permission from the POE Office. They were informed that they have the originals in the hotel where they were staying but they asked them to stop the interviews and produce permission, otherwise they will be penalised. Upon enquiry, the fourth respondent came to know one of the Emigration Officers name as Mr. Giridhar Reddy as introduced and finally requested to take strict action against the said persons. Pursuant to the said complaint, the CCS, Hyderabad registered a crime vide FIR No.124 of 2009 for the offences under Sections 419, 448 and 506 IPC. Aggrieved by the same, the present Criminal Petition is filed.

The counsel appearing for the petitioners would contend that even according to the complaint dated 30.04.2009, only two persons i.e., Giridhar Reddy and another went to the office of Travel Point, Basheerbagh and stopped the interviews being conducted. As far as the incident said to have happened on 30.04.2009 is concerned, there is no role for the petitioners herein since they were not present at the scene of offence. It is also further argued that since the presence of the petitioners was not there at the scene of offence on 30.04.2009, the question of applicability of the offences under Sections 419, 448 and 506 IPC does not arise at all. Counsel for the petitioners would also contend that the petitioners gave a detailed complaint dated 31.07.2010 to the Inspector of Police, Central Zone, CCS, Hyderabad, to take action against the persons concerned who are doing the illegal business of recruiting persons under the guise of permissions alleged to have been granted by Protector of Emigrants.

Per contra, the counsel appearing for the fourth respondent would contend that the Inspector of Police, on the complaint of the fourth respondent herein dated 30.04.2009 along with objections dated 01.05.2009, 04.05.2009 and letter dated 15.05.2009 of Protector of Emigrants, Hyderabad, conducted an enquiry and submitted a report dated 16.05.2009 to the Deputy Commissioner of Police, Detective Department, Hyderabad, in pursuance of which, the present crime has been registered.

A perusal of the said report dated 16.05.2009 would indicate that the petitioners herein, along with others in the name of voluntary organization are indulging in threatening the registered

recruiting agents including the Protector of Emigrants. Looking into the said report, more particularly, when the crime is at the investigation stage, this Court feels that it is not a fit case to quash the proceedings in the above said crime.

Therefore, there are no merits in the Criminal Petition and the same is, accordingly, dismissed. However, during the course of investigation, if the presence of the petitioners is required, the investigating agency may follow the procedure as contemplated under Section 41-A of the Code of Criminal Procedure as per law. Interim stay granted is vacated and miscellaneous petitions, if any, pending shall stand closed.

12th December 2017
RRB



(P.KESHAVA RAO, J)