

HONOURABLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL PETITION No. 6560 of 2011

ORDER:

Heard the parties. Though notice is served on the second respondent on 26.08.2011 as per the office endorsement, no appearance is entered on his behalf and there is no representation.

The present criminal petition is filed by the petitioner/A-5 to quash the proceedings initiated against him in Crime No.557 of 2011 of Station House Officer, Vanasthalipuram Police Station, Ranga Reddy District for the offences punishable under Sections 406, 420 and 506 IPC.

The brief facts of the case are that on 21.07.2011 the second respondent herein lodged a complaint before the first respondent stating that he and his wife are residents of H.NO.4-12-519, Plot No.2, Dwarakamayinagar, Subadranagar. Smt.Satya Sai and her husband Namana Sinivasa Naidu who are residents of Plot No.6 at Road No.4 which is nearer to their residence made them to believe that they are doing business in gold and in that process they have taken loan from the second respondent to a tune of Rs.50 lakhs on different occasions and when they demanded for gold, they absconded. Therefore, he lodged a complaint to take appropriate action against them. Pursuant to the said complaint, a crime vide F.I.R.No.557 of 2011 is registered for the offences mentioned supra. Aggrieved by the same, the present criminal petition is filed.

It is stated in the criminal petition that the petitioner is the husband of A-4 and son-in-law of A-1 and A-2, that he has been falsely implicated in the case only to put pressure on the accused Nos.1 to 4 so that they will come to terms he being the son-in-law of A-1 and A-2 and that he has nothing to do with the commission of the offence and he is totally a stranger and not even seen the second respondent. Therefore, he sought to quash the proceedings initiated against him.

Perusal of the contents of the complaint would indicate that the allegations made against the petitioner and other accused are very serious in nature involving financial aspect. The name of the petitioner is also mentioned in the complaint stating that the petitioner herein, his wife and mother-in-law made the second respondent to believe that they are doing business in gold and induced them to part with Rs.20 lakhs forming part of Rs.50 lakhs.

In the light of the above specific allegations, it cannot be said that no allegation is made against the petitioner. Therefore, this Court feels that a prima facie case is made out against the petitioner and it is not a fit case to be quashed at this stage, more particularly, when the crime is at the investigation stage. As such, the criminal petition is liable to be dismissed.

Accordingly, the criminal petition is dismissed. However, if the presence of the petitioner is required during the course of investigation, the investigating officer concerned may invoke the provisions of Section 41-A of Cr.P.C. as per law and complete the

investigation and file the charge sheet, if no charge sheet is filed as of now.

Interim order, if any, passed by this Court shall stand vacated.

The miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

P. KESHAVA RAO,J

Date:29.12.2017
Ccm



HONOURABLE SRI JUSTICE P. KESHAVA RAO



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