

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8484 of 2010

ORDER:

Heard learned counsel for petitioners/ accused Nos.1 and 2 in Crime No.194 of 2010 dated 10.05.201 of Gandhinagar Police Station, Hyderabad registered for the offence punishable under Section 420 IPC, which is outcome of report of 2nd respondent/ de facto complainant in relation to business avocation pursuant to the MOU dated 16.12.2009 whereunder the accused persons made her to join by receiving share capital of Rs.1,25,000/- and allotted 25 shares and agreed to pay the benefits equally to all three partners, P.Surya Prakash agreed to pay driver salary, petrol expenditure three equal salaries and P.Surya Prakash and Naresh drawn the amount of Rs.50,000/- monthly under salary and did not pay to her even a single pie and they further received Rs.2,00,000/- for smarlakota plant agreeing to pay the share capital Rs.2,00,000/- and refused to pay the benefits for five months, thereby cheated with dishonest intention.

2) Learned counsel for petitioners submits that it is purely a civil matter with a criminal flavour and the allegations are engineered, hence the proceedings are liable to be quashed. Whereas it is the submission of learned counsel for 2nd respondent that there is nothing to interfere from the FIR, attracting the ingredients of cheating from the instances specified.

3) Having regard to the above and from perusal of the FIR, there is nothing to interdict the investigation, the Criminal Petition is dismissed for no grounds to entertain but for the

observation to follow Section 41-A Cr.P.C, it at all on bail and any need to arrest.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 17.08.2017

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