

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2406 of 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') requesting to quash the First Information Report (F.I.R.) in Crime No.13 of 2016 of Nalgonda I-Town Police Station, Nalgonda District.

2. Heard Sri P. Ananda Reddy, learned counsel for the petitioner and learned Additional Public Prosecutor for the State of Telangana.

3. The main submission of the learned counsel for the petitioner is that the F.I.R. does not disclose any allegation as to the complicity of the petitioner herein, and, in fact, the name of the petitioner is not occurring in the F.I.R. at all. He would further submit that the witnesses so far examined have not spoken to anything about the petitioner deceiving the victims by operating the chits in the name of Sri Sai Chit Fund and Finance and according to the learned counsel, the said Chit Fund business is being run by two persons by names, P.Narsimha and P. Neela Kumari, who are accused Nos.1 and 2 respectively. It is not in dispute that P. Neela Kumari is no other than the wife of the petitioner herein. Thus, it is his submission that it is clear abuse of the process of law to proceed against the petitioner.

4. Learned Additional Public Prosecutor would strongly resist the request contending that more than seventy persons have been the victims of the petitioner and accused Nos.1 and 2. It is according to him that the petitioner was also arrested and being arraigned as

accused No.3, though, the chit fund business is run in the names of the aforesaid two persons. The petitioner is the kingpin in organizing the said business and huge amount of more than four crores is the value which the victims were duped. It is also his submission that confession and recovery statements have been conducted on 11.05.2016 at 9.30 a.m. and submitted the case dairy.

5. The contents mentioned in the confessional and recovery panchanama are sufficient to view that there are allegations prima facie in the direction of showing the complicity of the petitioner in the commission of offences punishable under Sections 406, 409 and 420 of IPC and Section 76 of the Chit Funds Act, 1982 and Section 5 of the A.P. Protection of Depositors of Financial Establishment Act, 1999, which are all shown in F.I.R. But, according to the learned counsel for the petitioner, the offence under the provisions of Protection of Depositors of Financial Establishment Act has been deleted.

6. It is true, the offence under Section 5 of the A.P. Protection of Deposits of Financial Establishment Act is not attracted according to the Investigating Officer as per the statement narrated at Page No.26 of the material papers, but, however, a thorough probe is required by recording the statements of all relevant witnesses. Therefore, it cannot be said that proceeding with further investigation is nothing but abuse of the process of law, as sought to be viewed by the learned counsel for the petitioner.

7. Accordingly, the criminal petition is dismissed.

8. As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

March 23, 2017.

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