

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1215 OF 2017

ORDER:

The request made herein is under Section 482 of the Code of Criminal Procedure, 1973, to quash the proceedings in Crime No.210 of 2016 of II Town Police Station, Kurnool.

2. The petitioner is accused No.1. The other accused did not join accused No.1 in the petition. The petitioner alleged to have committed the offence punishable under Section 420 I.P.C.

3. Sri M.M.M. Srinivasa Rao, learned counsel for the petitioner, would submit that no cause of action has arisen at all in Kurnool as the *de facto* complainant was transferred to Kurnool subsequently and more particularly, no offence of cheating could be made out by the Investigating Agency.

4. Heard learned Additional Public Prosecutor for the State of Andhra Pradesh.

5. On the earlier date of hearing, when the matter was taken up, while probing into whether any part of cause of action would arise at Kurnool, learned counsel for the petitioner was asked to find out and report back on what date the *de facto* complainant was transferred to Kurnool and the learned counsel, today, represents that he was transferred in the Month of October, 2015. Whereas, learned

Additional Public Prosecutor would represent that, in fact, on 01.07.2015, the *de facto* complainant was transferred.

6. When perused the transactions, there are number of transactions even after 01.07.2015 i.e., in the months from July to December, 2015 and February to June, 2016. In such an event, it cannot be said that no part of cause of action did arise at Kurnool.

7. Now, turning to whether the request can be acceded to, to quash the F.I.R, it is premature to hold that nothing is made out against the petitioner. The very complaint allegations would constitute *prima facie* material against the petitioner for the offence lodged against him.

8. Therefore, the present Criminal Petition is dismissed, as it cannot be construed as further investigation would amount to abuse of process of law. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

February 20, 2017.
MD