

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2453 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') requesting to quash the First Information Report in Crime No.41 of 2017 of Nalgonda I Town Police Station, Nalgonda District.

2. The petitioner herein is arraigned as accused No.3 in the aforesaid crime. He alleged to have committed the offences punishable under Sections 409 and 420 read with 34 IPC.

3. Heard Sri P. Ravi Shanker, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel for the petitioner would plead innocence and false implication of the petitioner. It is according to him that, even according to the complaint allegations, initially, the proprietor of M/s. S.R. Agro Impex, by name Raja Reddy and one of his employees, KVM Krishna, alleged to have met the *de facto* complainant - respondent No.2 herein, who was doing business in rice import and export, and stating to him that they deal with business in rice import and export, they would purchase rice and send it to other countries, entered into an understanding and agreed to purchase 110 metric tons of rice on 25.08.2016 at the rate of Rs.23,500/- per

ton and drawn 66 metric tons only and sent the amount through RTGS. The learned counsel would submit that the complaint allegations would reflect that only the said KVM Krishna taking the name of M/s. Sri Venkateswara Global Trading Private Limited, Kakinada, which is connected with the petitioner herein, has again met the *de facto* complainant and ordered for 208 metric tons of rice and sent the amount of Rs.15,00,000/- through RTGS into the account maintained by the *de facto* complainant in State Bank of India, Main Branch at Nalgonda; again 88 metric tons through three lorries was sent to Krishna Patnam Port through invoices. Similarly, the complaint allegations would show that the said KVM Krishna taken 66 metric tons on behalf of M/s. Sri Venkateswara Global Trading Private Limited, Kakinada and again 57.5 metric tons and yet another occasion on 21.11.2016, 16 metric tons on behalf of M/s. Sri Venkateswara Global Trading Private Limited, Kakinada. He would submit that since the said KVM Krishna is not employed by the petitioner and he has no knowledge at all what KVM Krishna had done, instead of proceeding against KVM Krishna, the *de facto* complainant even implicated the petitioner and, therefore, sought to quash the proceedings.

5. On the other hand, the learned Additional Public Prosecutor would resist the request stating that on four occasions at least M/s. Sri Venkateswara Global Trading Private Limited, Kakinada, which is

managed by the petitioner, purchased the rice, as mentioned in the complaint, and at this stage, it cannot be said that the petitioner has no awareness as to what transpired and cannot contend that the rice was not purchased on behalf of M/s. Sri Venkateswara Global Trading Private Limited, Kakinada and, therefore, sought to dismiss the petition.

6. The details have been mentioned in the above. It is no doubt true, KVM Krishna, initially accompanied by Raja Reddy, proprietor of M/s. S.R. Agro Impex, approached the *de facto* complainant, but subsequently on four occasions, the consignments were received and the fact that M/s. Sri Venkateswara Global Trading Private Limited, Kakinada, alleged to have deposited Rs.15,00,000/- through RTGS on 15.11.2016 into the account of the *de facto* complainant, would now at least stand against the petitioner. Therefore, it is a case where a thorough investigation is required to be done and not a case where abuse of the process of law can be viewed as sought to be viewed by the learned counsel for the petitioner.

7. Therefore, the Criminal Petition is dismissed. The Investigating Officer, however, is directed to adhere to the procedure inlaid by the provisions of Section 41A of the Code and the guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹.

1. (2014) 8 SCC 273

As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand closed.

A. SHANKAR NARAYANA, J

March 30, 2017.

Mgr

