

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL PETITION No.8005 of 2011

ORDER:

Heard the learned counsel for the petitioners and the learned Public Prosecutor.

Though notice sent to the 2nd respondent was served on 31.10.2011 as per the endorsement of the office note, he has not chosen to appear either in-person or by engaging any counsel.

The present petition is filed by the petitioners/A1 to A3 to quash the proceedings initiated against them in FIR.No.72 of 2011 for the offences under Sections 384 and 506 IPC read with Section 34 IPC of Pedapudi Police Station, East Godavari District.

The facts of the case are that the 2nd respondent lodged a complaint, dated 10.08.2011, with the Station House Officer, Pedapudi Police Station stating that he is running a furniture show room in the name and style of Sri Manikanta Trading Company on the main road of G.Mamidada Village. The 1st petitioner established a consumer welfare association in the village and declared himself as its President. The 1st petitioner purchased articles worth Rs.20,000/- from his shop on credit basis and evaded payment. When the 2nd respondent demanded for payment of the said amount, the 1st petitioner came to the shop along with petitioner Nos.2 and

3/accused Nos.2 and 3 and threatened him. On the other hand, they demanded Rs.20,000/- from the 2nd respondent and also threatened him that they will put SC, ST cases against him. Having no other alternative, the 2nd respondent paid a sum of Rs.10,000/- to them. When he paid the said amount, the 2nd respondent was not having any grudge to file a complaint against the petitioners. However, in the recent times when the Chamber of Commerce of G.Mamidada, exposed the illegalities of the petitioners and brought to the notice of the District Collector and the Superintendent of Police, East Godavari District, the 2nd respondent filed the present complaint. Pursuant to the said complaint, Crime No.72 of 2011 for the offences under Sections 384 and 506 read with 34 IPC was registered. Pursuant to the registration of the said crime, the present petition is filed.

Learned counsel for the petitioners would contend that the allegations made in the complaint against petitioners Nos.2 and 3 are vague and absurd for the reason that the 2nd respondent did not mention the date or month or at least the year of the incident. He submitted that when the allegations made in the complaint are so absurd and cannot be believed, that itself is a sufficient ground to quash the proceedings initiated against the petitioners. He also submitted that there is enmity between the Chamber of Commerce and the petitioners. Therefore, the Chamber of Commerce lodged a complaint against them. Learned counsel also brought to the

notice of this Court the law laid down by the Supreme Court with regard to invoking the jurisdiction under Article 226 of the Constitution of India as well as Section 482 Cr.P.C. to intervene in the proceedings relating to cognizable offence to prevent abuse of the process of the Court or otherwise to secure the ends of justice and would contend that no prima facie case is made out and any investigation would amount to exposing the petitioners to the investigating agency. Therefore, he sought to quash the proceedings initiated against the petitioners.

Per contra, learned Public Prosecutor appearing for the State fairly conceded that the allegations mentioned in the complaint are bald and no specific instances with reference to the purchase of the articles, demand of money and payment of Rs.10,000/-, are mentioned in the complaint. Except the allegation that the Chamber of Commerce, G.Mamidada with the help of villagers brought the atrocities of the petitioners to the notice of the District Collector and the Superintendent of Police, East Godavari District, no other allegation is made against the petitioners and that unless specific allegations are made attracting the provisions of Sections 384 and 506 IPC relating to extortion and criminal intimidation, the complaint filed is not maintainable.

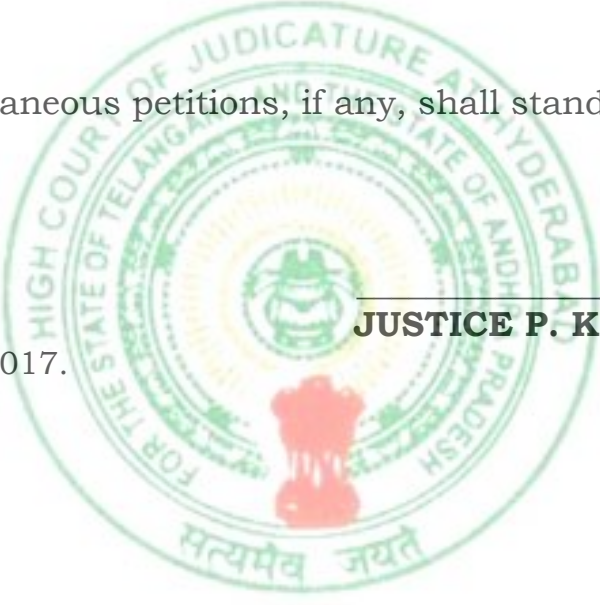
In the case on hand, the allegations made in the complaint do not satisfy the basic ingredients for attracting the offence under Sections 384 and 506 IPC. Therefore, this

Court feels that the proceedings initiated against the petitioners are liable to be quashed. In fact, this Court vide order, dated 07.09.2011, was pleased to dismiss the criminal petition against the 1st petitioner.

Therefore, the criminal petition is allowed quashing the proceedings initiated against petitioner Nos.2 and 3 in FIR.No.72 of 2011 for the offences under Sections 384 and 506 read with Section 34 IPC on the file of the Station House Officer, Pedapudi Police Station, East Godavari District. No costs.

Miscellaneous petitions, if any, shall stand closed.

Date: 28.12.2017.
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**JUSTICE P. KESHAVA RAO**