

HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No.8905 of 2011

ORDER:

1. Heard the learned Counsel for the petitioner. The learned Public Prosecutor for the State of Andhra Pradesh reported that she has no bundle. In spite of posting the matter under the caption of “dismissal”, the learned Public Prosecutor was not ready to argue the matter.

2. This petition is filed by the petitioner under Section 482 Cr.P.C. seeking to quash the proceedings against him in Crime No.109 of 2011 on the file of the III Town Police Station, Tenali, Guntur District.

3. The contention of the petitioner is that he is arrayed as A2 in the above said crime and he has not committed any offence and there is no complaint from the public.

4. A perusal of the record goes to suggest that the above crime No.109 of 2011 was registered for the offence under Section 420 IPC and Sections 4 and 5 of the Prize Money and Money Circulation Scheme (Banning) Act, 1978, basing on the complaint made by the 2nd respondent. A reading of the complaint dated 11.8.2011 goes to suggest that the complainant himself presented the complaint in person but not in his official capacity. The first sentence in the complaint i.e., “received reliable information in the office of Sub-Divisional Police Officer, Tenali,” is the basis for complaint and it leads to registration of the above crime. Further, the record goes to suggest that the investigation agency has examined almost nine witnesses and every witness is alleged to have stated that he paid Rs.10,500/- in favour of Heavenly Interdenominal Mission(HIM), Tenali Branch. But the said amount was not returned to them. There is a prima facie material to

proceed against the petitioner. I do not find any grounds showing reasons of any abuse of process of Courts and to quash the proceedings against the petitioner.

5. Accordingly, the Criminal Petition is dismissed. Consequently, interim stay granted on 23.9.2011 in CrI.M.P.No.9652 of 2011 is vacated and the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE N. BALAYOGI

Date: 11th October, 2017
Nn



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