

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2921 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.610 of 2016 of Bhavanipuram Police Station, Vijayawada City, Andhra Pradesh.

2. The petitioner, who is arraigned as accused No.2 in the aforesaid crime, alleged to have committed the offence punishable under Section 420 read with 34 of Indian Penal Code, 1860 (for short 'IPC') along with accused No.1.

3. Heard Sri V.V. Lakshmi Narayana, learned counsel for the petitioner and the learned Assistant Public Prosecutor for the State of Andhra Pradesh.

4. The submission of the learned counsel for the petitioner is, that the petitioner is falsely implicated in the aforesaid crime and he was never involved in the present incident.

5. The learned Assistant Public Prosecutor would strongly resist the request.

6. The fact-situation would show that the son of the *de facto* complainant, G. Pavan Kumar was studying in Sri Chaitanya College and completed Intermediate Course in Bi.P.C. in 2015, and when he

appeared in EAMCET, he secured rank in 20000. During that time, accused No.1 - Chandra Ramesh working as English Lecturer in Narayana College, gaining acquaintance with the son of the *de facto* complainant, lured him stating that he would get a seat in MBBS course to him and referred to his Director, who is accused No.2 - petitioner herein and, thus, Rs.13,00,000/- was collected from the *de facto* complainant which was paid by him by selling away the site and, thus, the complicity of petitioner herein is also forthcoming in the complaint. There are allegations *prima facie* of commission of offence of cheating under Section 420 IPC. Therefore, it is not a case where it can be viewed that investigation would amount to the abuse of process of law.

Therefore, the present Criminal Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in the petition stand closed.

A. SHANKAR NARAYANA, J

April 12, 2017.

Mgr