

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.742 OF 2017

ORDER:

The present Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), is filed requesting to quash the First Information Report in Crime No.52 of 2017 of Neredmet Police Station, Rachakonda, Hyderabad,.

2. The petitioners, who are arraigned as accused Nos.1, 2 and 3 viz., Saurabh Gupta, Sanjay Gupta and Smt. Kiran Gupta, respectively, alleged to have committed the offences punishable under Sections 406, 420, 354D and 506 read with 34 of the Indian Penal Code, 1860 (IPC).

3. Heard Sri P. Yasasvi, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana.

4. The submission of the learned counsel for the petitioners is that Ms. P. Pooja, who is elder sister of the *de facto* complainant - respondent No.2 herein viz., Kum. P. Preethiraj, married petitioner No.1, whose parents are petitioner Nos.2 and 3, and keeping in view that she (elder sister of the *de facto* complainant) married petitioner No.1 against the wishes of her parents, her father is instrumental in getting a false case foisted against the petitioners through the *de facto*

complainant. It is according to him that even there was a telecast in ABN ANDHRA JYOTHI Channel as to the elder sister of the *de facto* complainant declaring about her marriage with petitioner No.1 and seeking protection through media against her father and his men who are politically and financially influential persons. It is also his submission that the *de facto* complainant's father influenced even the police and foisted the case only to harass the petitioners.

5. The learned Additional Public Prosecutor would strongly resist the request. It is according to him that the very complaint, which is filed by the *de facto* complainant, *ex facie* contains serious allegations against the petitioners and it is not the stage to look at the motive and there is no need for the *de facto* complainant to foist a false case.

6. The complaint averments are to the effect that petitioner No.1 has been working as an event manager (CEO KMF Productions) and he made her to believe that he would arrange a live concert programme which would fetch huge amounts and believing his version, the *de facto* complainant has invested an amount of Rs.16,00,000/- with the help of her parents, and, petitioner No.1 having acknowledged the same, assured to organize an event in the month of June, 2016 at Gachibowli and thereafter, he started postponing and did not organize the event even by the date of lodging the complaint. Thereafter, according to the *de facto* complainant, petitioner No.1 started pestering her in the name of love and when he

proposed, as she did not agree for his proposal, he started blackmailing and threatening her and also challenged to trap her elder sister. It is also, according to her in the complaint, that petitioner No.1 started conversing with her using filthy language for the past three (3) months prior to the date of complaint and due to unbearable harassment, she informed her father, who, in turn, approached petitioner Nos.2 and 3, but, they only supported the acts of petitioner No.1 and threatened the *de facto* complainant and her family with dire consequences. This has been the sum and substance of the complaint allegations.

7. The motive, in the direction of substantiating the false implication, now expressed by the petitioners, can only be looked into during the course of investigation when the Investigating Officer collects evidences, and, at this stage, what is required to be seen is whether the allegations in the complaint would show commission of a cognizable offence. When viewed in that context, it has to be held that the allegations in the complaint would *prima facie* show commission of cognizable offences by the petitioners requiring to proceed with further investigation. It is not a case, where the complaint, at this stage, can be viewed as vexatious or proceeding with investigation would amount to abuse of process of law.

8. Therefore, the Criminal Petition is dismissed, at the admission stage itself.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

February 21, 2017.

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