

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.627 of 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure, is filed by the petitioner/Accused No.2 requesting to quash the proceedings against him in Crime No.753 of 2016 of Pendurty Police Station, Visakhapatnam. The petitioner along with Accused No.1 viz., Patil Khana Venkata Brahmaji alleged to have committed the offences punishable under Sections 420, 468, 471 and 506 read with 34 IPC.

Sri Sravan Kumar Naidana, learned counsel for the petitioner, would submit two contentions, firstly, that there has been delay in presenting the complaint and secondly, the entire allegations are directed against Accused No.1 only and the petitioner, who is working as Branch Manager in RIMMS Bank, is falsely implicated. Learned counsel has drawn the attention of this Court to what had transpired between Accused No.1 and respondent No.2 herein in lending Rs.6,00,000/- to Accused No.1 and Accused No.1 issuing three cheques, each for Rs.2,00,000/-, which were bounced on presentation, and, thus, it is his submission that the petitioner is absolutely innocent and, therefore, seeks to quash the proceedings against the petitioner in the present crime.

A perusal of the complaint would clearly show that respondent No.2-complainant approached the petitioner making a request for sanction of loan of Rs.70,00,000/- and the said amount was also sanctioned in terms of dollars and, to convert the said amount, the petitioner alleged to have demanded Rs.6,00,000/- and though, there was some bargain to reduce the amount to Rs.4,00,000/-, it was not acceded to by the petitioner and since the petitioner did not have account in ICICI Bank, respondent No.2 was directed by the petitioner to deposit the said amount of Rs.6,00,000/- in the account of Accused No.1 and, thus, believing the version of the petitioner, respondent No.2 deposited the said amount through cheques in the account of Accused No.1. Later, Accused No.1 has issued cheques, but the same were bounced subsequently, and, thus, the complaint was laid against both the accused.

Learned counsel for the petitioner submits that though, the complaint was prepared on 13.12.2016, the same was filed on 19.12.2016 and this shows that after due deliberations and consultations, the petitioner is falsely implicated and, therefore, seeks to quash the proceedings against the petitioner.

These submissions require to be examined during the course of investigation when the Investigating Officer collects evidences and, therefore, certainly, it is not the stage where it can be said that

continuation of investigation would amount to abuse of process of law nor can it be said that there is no *prima facie* material at this stage against the petitioner as to the commission of non-cognizable offence.

Hence, the Criminal Petition is dismissed at the stage of admission itself.

Miscellaneous Petitions, if any, pending in this petition, shall stand closed.

A. SHANKAR NARAYANA, J

January 30, 2017.

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