

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**CRIMINAL PETITION No.10981 of 2017****ORDER:**

This Criminal Petition under Section 482 Cr.P.C. is filed to quash the proceedings in FIR No.289 of 2017 on the file of Station House Officer, Parvatipuram Rural Police Station, Vijayanagaram District, registered for the offences punishable under Sections 420, 419, 468, 471 r/w 34 IPC registered based on the complaint lodged by Grandhi Ramarao dt. 12.08.2017 making serious allegations that initially petitioner No.1/Mangi Anantha Saina Srinivas, promised to provide employment to the *de facto complainant* and his brother, collected part of the amount and again on 15.02.2015 the said petitioner came to his mechanic shed, collected Rs.1,00,000/- and after two months thereafter, he sent one woman by name Vaddadi Padma Priya, allegedly working as Senior Most officer in GVMC, Visakhapatnam, who in turn promised to provide employment in GVMC, collected Rs.50,000/- on 06.09.2015. Thereafter, she handed over fake appointment letters and directed the complainant to deposit the amount to the credit of three accounts i.e., 134310100032732 (G. Arjuna Rao), 62444644382(MAS Srinivasa Rao) and 52206499522 (T. Sandhya). Thus, the *de facto complainant* paid Rs.4,80,000/- in total to both the petitioners.

The main contention of the learned counsel for the petitioners is that the said Vaddadi Padma Priya is working as Doctor in Primary Health Centre at Kanchili, Srikakulam District and hence the question of her coming over to Sompet for collection of any amount would not arise and produced the Attendance Register maintained in the office for the month of July and September, 2015. The alleged incident of

collection of Rs.50,000/- took place on 06.09.2015. Evenif this contention is accepted based on the Attendance Register produced along with the petition, she was on duty on all working days in July and September, 2015, but not on 06.09.2015 as alleged in the petition. Even otherwise, the plea of alibi is a question of fact though it is relevant under Section 11 of the Evidence Act and such plea has to be proved before the Court during the course of trial by adducing evidence. Basing on such contention, the proceedings against petitioner No.2 cannot be quashed at this stage.

Apart from that, petitioner No.1 is resident of Bye pass Road, Parvathipuram, which is a distant place where the *de facto complainant* is residing. But, that itself is not a ground to quash the proceedings. When the allegations made in the complaint disclose the commission of any cognizable offence, the Court cannot quash the proceedings on the ground that the time and other details were not specifically mentioned, for the reason that the FIR is only an information to the police about the commission of cognizable offence by any person to set the criminal law into motion and it need not contain all minute details. Therefore, in the absence of time and other details in the FIR, the proceedings cannot be quashed. Though FIR was issued, the investigation is at initial stage and the facts are incomplete and hazy, before the Court irrespective of magnitude of the case, this Court cannot quash the proceedings in view of the law declared by the Apex Court in *State of Orissa v. Saroj Kumar Sahoo*¹ and *Kurukshetra University v. State of Haryana*².

Hence, by applying the principles laid down in the above Judgement and taking into consideration the specific allegations made

¹ (2005) 13 SCC 540

² AIR 1977 SC 2229

in the report lodged with the police, it is difficult to quash the proceedings at this stage and hence, the petition is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed at the stage of admission.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 17.11.2017
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HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY



Crl.P. No.10981 of 2017

Dt. 17.11.2017

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