

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.401 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. by the petitioner-accused seeking to quash the proceedings in crime No.02 of 2018 of Thoguta police station, Siddipet district registered for the offence punishable under Section 420 IPC.

2. Heard both learned counsel for the petitioner-accused, the learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-accused would submit that the allegations in the First Information Report are false; that the petitioner-accused is not responsible for the alleged offence punishable under Section 420 IPC; that the petitioner was doing real estate business and in that process he took money from different persons; that he suffered losses from the business, indebted to number of persons, filed I.P. No.5 of 2017 on the file of the Senior Civil Judge, Sanga Reddy and the same is pending; that in view of the pendency of the I.P., the criminal proceedings are not maintainable, and ultimately, prays to allow the Criminal Petition.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of relief sought in the Criminal Petition.

5. In view of the contentions put forth by both sides, the point for determination is whether the proceedings in

crime No.02 of 2018 of Thoguta police station, Siddipet district are liable to be quashed ?

6. The material on record reveals that the defacto complainant belongs to Etigadda Kistapur village, Thoguta mandal, Siddipet district. The land belonging to him was submerged in Mallanna Sagar project. For that, the Government paid the compensation in cash. The petitioner-accused approached the villagers, made false promises, made them to invest in F.D.Rs. and promised that the investors will get high rate of interest. In that process, he collected Rs.8,00,000/- from the defacto complainant one year prior to lodging the report but did not hand over the bonds to him. The petitioner-accused also collected Rs.5,50,000/- from one Pitla Kanakaiah, Rs.5,00,000/- from one Bandi Ramulu, Rs.4,00,000/- from one Naini Lingam, Rs.5,00,000/- each from one Ellandi Krishna Reddy and his wife Buchavva, Rs.2,00,000/- each from One Arikela Kanakaiah and one Arikela Narsaiah, Rs.1,00,000/- from one Budida Narsimulu, Rs.1,20,000/- from one Budida Kistaiah and Rs.80,000/- from Budida Bhumaiah. In all, he collected Rs.39,50,000/- from various persons but did not give any bonds.

7. It is apparent from the record that there is an element of dishonest intention and inducement on the part of the petitioner-accused in collecting huge amounts from the defacto complainant and others under the guise of providing high rate of interest and not issuing bonds, and the element of cheating is also present here. The allegations constitute *prima facie* case for the offence alleged against the petitioner-accused. Therefore, issue of the First Information Report cannot be faulted with. The

matter requires investigation. The averments made in I.P. No.5 of 2017 on the file of the Senior Civil Judge, Sanga Reddy has nothing to do with the impugned accusation. The Criminal Petition is devoid of merits and is liable to be dismissed.

8. In the result, the Criminal Petition is dismissed.

DR.SHAMEEM AKTHER, J

DATED: 19.1.2018
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19.1.2018

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