

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.649 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, seeking to quash the order, dated 20.12.2017, passed in CrI.M.P.No.4210 of 2017 in C.C.No.884 of 2015 by the III Additional Chief Metropolitan Magistrate, Vijayawada.

2. Heard the learned counsel for the petitioner/accused, learned Assistant Public Prosecutor representing the 2nd respondent-State and perused the record.

3. The learned counsel for the petitioner/accused would submit that summoning of the sons of the 2nd respondent is essential for determination of the subject cause, by reopening the evidence and ultimately prayed to quash the proceedings against the petitioner/accused.

4. On the other hand, the learned Assistant Public Prosecutor opposed the relief sought for by the petitioner/accused.

5. The Calendar Case is at the stage of hearing before the Court below. The Calendar Case is of the year 2015. The defence set up by the petitioner/accused is that he did not receive Rs.20,00,000/- under Ex.P.1 and that the complainant has no capacity to lend the said amount. As per the evidence of P.W.1, her son is in U.S.A. While determining the cause, the Court below, in the impugned order, observed as follows:-

“Simply because the sons of the complainant purchased properties from the accused and his family members, they need not be summoned for cause production of their Income Tax Returns and to give evidence in this case.”

6. During the pendency of the criminal proceedings, the petitioner/accused was given ample opportunity to put-forth his defence. There is no need to examine the sons of the complainant, as contended by the petitioner/accused. There is also record to show that the Calendar Case was adjourned for some time on the ground that the parties would compromise the matter. The Court below, while dismissing the subject application, has assigned number of valid reasons for doing so. Under these circumstances, this Court finds no impropriety or illegality in the impugned order warranting interference under Section 482 of Cr.P.C. The Criminal Petition is devoid of merit and is liable to be dismissed.

7. Hence, the Criminal Petition is dismissed.

Pending Miscellaneous Petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

24th January, 2018
Bvv