

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.8666 OF 2011

ORDER:

This Criminal Petition, under section 482 of Cr.P.C., is filed by the Petitioner/A-2 seeking to quash the proceedings in F.I.R. No.262 of 2011 of Subedari Police Station, Warangal Urban, registered for the offence punishable under Section 420 of I.P.C.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, appearing for the 1st respondent - State. None appears for the 2nd respondent – *de-facto* complainant, in spite of service of notice.

3. The allegations in the complaint are that this petitioner introduced the complainant to one T.Venu, who is A-1, and told him that A-1 would be sending people abroad and secure admissions for them in the universities at abroad, and also sent some persons as such. The complaint also shows that the complainant was sent along with this petitioner to New Delhi, stating that there would be an interview at New Delhi, but when they went there and enquired in the Embassy, they came to know that there was no such interview.

4. Learned counsel for the petitioner submits that the role of this petitioner is only introduction of the complainant to A-1 and that he did not play any better role than that; that apart, the entire amount of Rs.4,20,000/- alleged to be paid by the complainant is deposited in the account of A-1.

5. But, a perusal of the contents of the complaint would show that this petitioner did not stop with simple introduction, but he also seems to have testified about the capacity of A-1 in sending people abroad. Hence, *prima-facie*, it would suggest that he might have had more role in the entire transaction. Unless the matter is taken up for trial, the truth would not come out, hence, this Court opines that it is not a fit case for quash of the proceedings against the petitioner.

6. At this stage, the counsel requests the Court to dispense with the presence of the petitioner.

7. In view of the above, this Court considers that the presence of the petitioner/A-2 before the Court below may not be insisted upon unless it is required for the proceedings of the case. Hence, in view of the above, the presence of the petitioner/A-2 shall be dispensed with. But, however, the Court below can direct him to be present on those dates of the proceedings in which his presence is required.

8. In the light of the above, the Criminal Petition is dismissed.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand dismissed.

Date: 25.09.2018.
Dsh



T. RAJANI, J

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Date. 25.09.2018

DSH