

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.2568 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.3, to quash the proceedings in C.C.No.8 of 2016 on the file of the Principal Assistant Sessions Judge -cum- Chief Judicial Magistrate, Anantapuramu (arising out of Crime No.102 of 2016 on the file of Tadipatri Police Station, Anantapuramu District, registered for the offences under Sections 420, 406 read with 34 IPC and Section 4 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978.

2. Heard the learned counsel for the petitioner/A.3, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioner/A.3 would submit that the petitioner/A.3 has nothing to do with the alleged chit fund business. She is the wife of a Doctor. He further submits that there are no allegations either in the First Information Report or in the charge-sheet against the petitioner/A.3 constituting offence under the aforementioned provisions of law. The petitioner/A.3 is an innocent person. Continuation of proceedings against her would amount to abuse of process of law and ultimately prayed to allow the application.

4. The learned Assistant Public Prosecutor opposed the relief sought by the petitioner/A.3 and ultimately prayed to dismiss application.

5. Now the point for determination is whether the proceedings in C.C.No.8 of 2016 on the file of the Principal Assistant Sessions Judge -cum- Chief Judicial Magistrate, Anantapuramu, against the petitioner/A.3 are liable to be quashed?

6. As per the First Information Report lodged with the Police, the petitioner/A.3, along with her parents, was doing private chit business for 10 years and made the people invest money in the chit business. The petitioner/A.3, along with her parents (A.1 & A.2) promised high rate of interest and also convinced number of persons that they have huge value of assets and made the de-facto complainant join in the chit of the value of Rs.2,00,000/- and the chit amount is payable in 20 instalments @ Rs.10,000/-. The de-facto complainant joined the chit on 20.02.2015 and paid nine instalments. Thereafter, the chit business was not continued and there is commission of default on the part of the petitioner/A.3 and her parents in refunding the money to the depositors.

7. During the course of investigation, it has come to light that many persons were made to join in the chit business run by the petitioner/A.3 and her parents; and, the petitioner/A.3 and her parents fallen due an amount of Rs.18,05,140/- to sixteen (16) witnesses mentioned in the charge sheet. It is also brought to the notice of this Court by the learned Assistant Public Prosecutor that all the accused in this crime filed Insolvency Petition, showing outstanding amount as Rs.59,67,500/-. There are also statements of witnesses implicating the petitioner/A.3 in the subject Crime. Under these circumstances, it cannot be said that the petitioner/A.3 is innocent person and the allegations levelled against her do not

constitute offence under the aforementioned provisions of law. The Criminal Petition is devoid of merit and is liable to be dismissed.

8. In the result, this Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

05.03.2018
MVA

