

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.2855 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1 to quash the proceedings in Crime No.158 of 2017 on the file of Kamalapur Police Station, Warangal Commissionerate, registered for the offence under Section 420 read with 34 of I.P.C.

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

3. The learned counsel for the petitioner/A.1 would submit that there is no cause of action. There is no specific mention of money in the reported lodged with the police by the de-facto complainant. Continuation of proceedings against the petitioner/A.1 would amount to abuse of process of law and ultimately prayed to allow the application.

4. The learned Assistant Public Prosecutor opposed the grant of relief sought by the petitioner/A.1.

5. As per the material placed on record, the de-facto complainant lodged a report, dated 10.10.2017, with the police, wherein, he has specifically mentioned that an amount of Rs.90,000/- was given to the petitioner/accused at Chilkalguda, Hyderabad, when the petitioner/A.1 stated that he would secure a job to the de-facto complainant. There are also witnesses to

the alleged payment. There is also mention in the complainant that on 18.02.2015, a promissory note was executed by the petitioner/A.1 in favour of the de-facto complainant for the money received by him. There is element of cheating in the report lodged with the police. The allegations are grave. The truth or otherwise of the allegations can only be determined after due investigation. Continuation of proceedings against the petitioner/A.1 will not amount to abuse of process of law. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

08th March, 2018
Bvv

Dr. SHAMEEM AKTHER, J

