

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Revision Case No.2914 of 2018

ORDER:

This petition is filed under Section 482 Cr.P.C by the petitioners/A.1 and A.2, who are the husband and wife seeking to quash the proceedings in Crime No.322 of 2017 of P.S Pattabhipuram, Guntur Urban, which was registered against them for the offences under Sections 420 and 506 r/w 34 IPC.

2) Investigation is reported to be pending.

3) The brief facts of the case are that the petitioners in a deceitful manner induced the *defacto* complainant that they have a beauty parlor and they are going to develop it by opening new branches at Vijayawada and Hyderabad, for which they need Rs.1.5 Crores which they are going to secure by bank loan and they induced the *defacto* complainant to invest Rs.20 lakhs in their business, promising huge returns. Believing their words, the *defacto* complainant allegedly invested Rs.14,50,000/- and paid the said amount to them on 16.11.2014. However, later the accused have not paid any amount to the *defacto* complainant and thus cheated.

4) Learned counsel for petitioners would submit that even if the entire case of the complainant is believed to be true, it would only depict a civil litigation inasmuch as the complainant could have filed a civil suit for the amount allegedly given by him to the accused and therefore, the criminal proceedings are not maintainable.

5) Learned Addl. Public Prosecutor would submit that whether the accused have had criminal intent since the inception of their inducement or not and whether they have taken Rs.14,50,000/- from the *defacto* complainant and thus cheated or not, will be known only after investigation. He submits that as of now five witnesses are examined and investigation is in the midway.

6) In view of the above submission of learned Additional Public Prosecutor, this Court is of the view that investigation shall lead to its logical conclusion to know whether the matter is of a civil natured one or whether the petitioners have cheated the complainant. Therefore, while directing the investigating agency to conduct the investigation and complete the same at the earliest, the Investigating Officer is directed to strictly follow the procedure contemplated under Section 41-A Cr.P.C during the course of investigation and the petitioners are also directed to cooperate with the investigating agency for smooth completion of investigation.

7) Accordingly, this Criminal Petition is disposed of.

As a sequel, miscellaneous applications pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 19.03.2018
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