

HON' BLE DR JUSTICE SHAMEEM AKTHER

CrI.P. No. 3043 of 2018

ORDER:-

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings in C.C.No. 3 of 2015 on the file of the Court of the Additional Judicial Magistrate of First Class, Tiruvuru, Krishna District wherein cognizance was taken against the petitioners for the offences punishable under Section 420 IPC read with Sections 4 and 5 of the Prizes Chits and Money Circulation Scheme (Banning) Act, 1978.

Heard the learned counsel for the petitioners – A1 to A3, learned Assistant Public Prosecutor appearing on behalf of the 1st respondent - State and perused the record.

The learned counsel for the petitioners has submitted that the allegations made against the petitioners do not constitute the offences under the above provisions of law and the continuation of the proceedings is an abuse of process of law. The parties have compromised and ultimately pray to quash the proceedings.

The learned Assistant Public Prosecutor has opposed the same.

As per the record, the petitioners introduced themselves as distributors and stated that Info Tech Company products will be given to the persons who pay Rs.8,300/- by way of

Demand Draft and in that process they have collected huge money from number of persons. Thereafter, the petitioners are stated to have informed the members who already joined in that organization that they have to introduce two members each to get benefits of the scheme and further they collected Rs.250/- from each member. In that process, the petitioners have collected huge money from innocent persons. Most of the persons who are illiterates were introduced by the petitioners. There are also other allegations against the petitioners with regard to exploitation and cheating the public and for circulating prize chits and money circulation.

Under these circumstances, it cannot be said that the allegations do not constitute offences under the above provisions of law. The truth or otherwise of the allegations is required to be investigated. It cannot be said that the petitioners are innocent persons. The continuation of the proceedings against them is not an abuse of process of law.

The Criminal Petition is devoid of merits and the same is accordingly dismissed.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

DR JUSTICE SHAMEEM AKTHER, J

13.03.2018

bcj