

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.3265 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, to quash the proceedings in C.C.No.10 of 2015 on the file of Judicial Magistrate of First Class, Yellandu, wherein, the offence alleged against the petitioner is under the provision of Section 420 of I.P.C.

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

3. The learned counsel for the petitioner/accused would submit that the allegations made against the petitioner/accused do not constitute any offence. Continuation of proceedings against the petitioner/accused is abuse of process of law and ultimately prayed to allow the application.

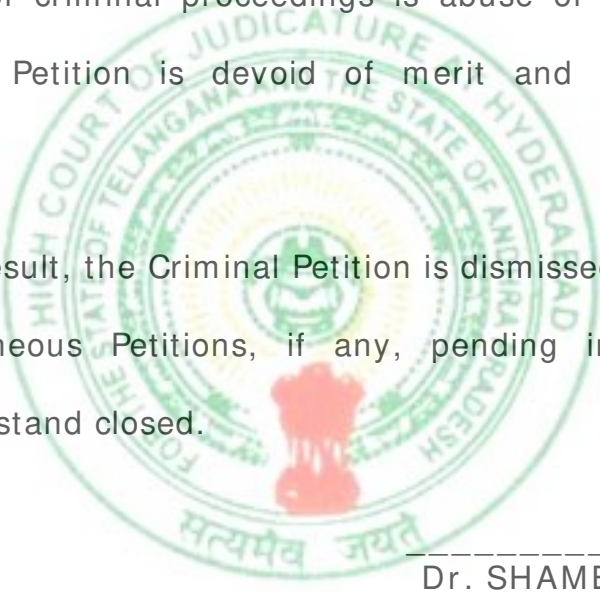
4. As seen from the material on record, the de-facto complainant is working as Head Constable in Tekulapalli Police Station, Khammam District. The petitioner/accused is a resident of Tekulapalli. The allegation is that the petitioner/accused, with a view to earn more money, started running chit business, without there being any licence. Further, the petitioner/accused is lending money to the needy people at high rate of interest. In the course of lending money and collecting high rate of interest, the petitioner/accused obtained blank promissory notes from the persons who took money from him. In the course of investigation,

two note books and some promissory notes were seized in the presence of the panch witnesses. The said promissory notes are relating to running private chit business by the petitioner/accused.

5. There are grave allegations against the petitioner/accused. It is not a fit case to quash the proceedings against him. Continuation of proceedings is not abuse of process of law. If cognizance is not taken in this crime, the learned Magistrate has to take cognizance on the basis of the material placed before him and pass necessary orders. There are no circumstances to hold that continuation of criminal proceedings is abuse of process of law. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. In the result, the Criminal Petition is dismissed.

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



Dr. SHAMEEM AKTHER, J

16th March, 2018
Bvv