

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.4209 OF 2018

ORDER.

This Criminal Petition is filed under Section 482 Cr.P.C. by the petitioner/A.4 seeking to quash the proceedings against him in Cr.No.135 of 2017 of Gooty Police Station, Ananthapuram District, registered for the offence under Section 420 read with 34 I.P.C.

The allegations in the complaint briefly are that A.1 has collected amounts from the complainant and others to arrange them 'VISA' and failed to fulfill.

Petitioner/A.4 is the father of A.1 against whom, it is alleged that A.1 and A.4 started traveling agency in the name of "Al Rahman Haj & Umrah Tours & Travels at Kadapa and later, petitioner/A.4 utilized the amount collected by A.1 from different persons on the pretext of arranging bills. Investigation is reported to be pending.

Denying the allegations, the submission of learned counsel for the petitioner is that though A.1 and A.4 started traveling agency, petitioner/A.4 retired from the partnership with effect from 2-2-2011 and thereafter, he has no connection with the traveling agency.

He would further submit that the petitioner/A.4 has not been residing with A.1 under the same roof. On these submissions, he sought for quashment of the proceedings.

Opposing the petition, the learned Additional Public Prosecutor would submit that the petitioner/A.4 and A.1 are residing

together and they have acquired assets with the monies collected from the public and that A.4 is holding some passports with him and all these aspects have to be thoroughly investigated.

Having regard to the nature of accusation and investigation being in the mid way, this Court is of the considered view that the investigation shall be proceeded with to reach logical conclusion.

Therefore, Investigating Officer shall proceed with the investigation. However, having regard to the age of the petitioner/A.4, Investigating Officer shall strictly follow the guidelines of the Apex Court rendered in *ARNESH KUMAR Vs. STATE OF BIHAR* ⁽¹⁾ and also follow the provision under Section 41-A Cr.P.C. towards the petitioners. In turn, the petitioner shall cooperate with the investigating agency for smooth completion of investigation.

Accordingly, this Criminal Petition is disposed of.

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

JUSTICE U.DURGA PRASAD RAO

Dated 25th April, 2018.

Dvs

¹ 2014 (3) ACR 2670 (SC)

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Dvs