

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.4837 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 Crime No.35 of 2018 of Sircilla Police Station, Rajanna Sircilla District, registered for the offences punishable under Section 420 of I.P.C., Section 3(5)(a)(b) of the A.P. (Telangana Area) Money Lenders Act, 1349 Fasli, Sections 4 & 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978, and Sections 3, 56 & 57 of the A.P.Chit Fund Act, 1971.

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 petitioner-accused would submit that Sub-Inspector of Police lodged a report and got issued First Information Report in the subject crime. It is also contended that there are no ingredients of Section 420 of I.P.C., Section 3(5)(a)(b) of the A.P. (Telangana Area) Money Lenders Act, 1349 Fasli, to proceed against the petitioner-accused. The petitioner-accused is an innocent person and not responsible for the offences alleged and ultimately prayed to quash the proceedings in Crime No.35 of 2018 of Sircilla Police Station, Rajanna Sircilla District.

4. As seen from the material available on record, on credible information that the petitioner-accused was running a private chit fund

and finance business illegally without any license, one P.Shankar, Sub-Inspector of Police, Sircilla Police Station, conducted a raid as per the directions of the Inspector of Police, Sircilla Police Station, in the house-cum-office of the petitioner-accused and seized some material, i.e., (i) One chit fund related rubber stamp; (ii) 7 numbers of Bank savings passbooks; (iii) 2 Chit collection related pocket books; (iv) 13 numbers of ATM Cards; (v) Two diaries; and (vi) Rs.4,30,790/- net cash. Thereafter, on a report lodged by him, the instant crime is registered and under investigation.

5. There is confession of the petitioner-accused with regard to running of the private chit fund and finance business, without there being any license. Some incriminating material is also seized, pursuant to the said confession. To find out the truth or otherwise of the allegations levelled against the petitioner-accused, investigation has to go on. It cannot be said that there are no ingredients of Section 420 of I.P.C., Section 3(5)(a)(b) of the A.P. (Telangana Area) Money Lenders Act, 1349 Fasli, Sections 4 & 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and Sections 3, 56 & 57 of the A.P.Chit Fund Act, 1971, to proceed with against the petitioner-accused. When a prima facie cognizable offence is made out, it is the statutory duty of the Police to conduct investigation, and such investigation cannot be curtailed. There is no infirmity in lodging a report with the police by the Sub-Inspector, Sircilla Police Station. Continuation of proceedings against the petitioner-accused would not amount to 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.

Pending Miscellaneous Petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

01st May, 2018
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