

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.8467 OF 2011

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioner in Crime No.95 of 2011 of Kolimigundla Police Station, Kurnool District, registered for the offences punishable under Sections 406 and 420 IPC.

2. Heard learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondents.

3. As per the directions of this Court, the Sub-Inspector of Police, Kolimigundla Police Station, served summons against the petitioner, who is involved in the aforesaid crime. During course of investigation on 15.11.2011, on enquiry with the Village Revenue Officer, he came to know that the petitioner is absconding from the village since two months.

4. On 31.08.2011, Sri Murali, C.I. Kolimigundla Police Station visited the police station and informed them with regard to the news item published in Sakshi Telugu News paper on 29.08.2011 under a caption "Bumper offer". It is stated that one Church father by name Mr.Eemalla Neelambaram, near M.R.O office, is offering the public that if anybody pays Rs.10,000/-, after completion of one year, they will get Rs.48,000/-. This publication is termed to be an act of cheating and based on such publication, the police registered the aforesaid crime.

5. In the considered opinion of this Court that mere publication of such news cannot be termed as an act of cheating. There is no cheating reported by anyone, based on the said paper publication and so also there is absolutely no further investigation made, based on the said publication. Based on the paper publication, the police came to the conclusion that it is made with an intention to cheat the public. Therefore, unless there is any act of cheating, it cannot be said that the said publication is made to cheat any individual. This Court finds that the offences alleged against the petitioners do not attract to the facts of the case.

6. Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioner in Crime No.95 of 2011 of Kolimigundla Police Station, Kurnool District, registered for the offences punishable under Sections 406 and 420 IPC.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

T.RAJANI, J

SEPTEMBER 05, 2018
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Date: 05.09.2018

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