

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.7044 of 2018

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. The petitioner/accused no.1 seeks to quash the proceedings in Crime No.172 of 2018 of Osmania University Police Station registered under sections 406, 420 and 426 of the I.P.C.

Brief facts of the complainant are that the complainant has been in search of railway job for her children and brother and in that context she requested the petitioner/accused no.1 in the month of May, 2017 for getting recruitment in the railway department and taking advantage, the accused promised to secure Ticket Collector job and cheated the complainant by collecting Rs.15 lakhs on one occasion and Rs.50 lakhs on another occasion. The complainant waited till the end of January, 2018 but there was no information from petitioner/accused no.1. Ultimately, the complainant realized that she was cheated by the petitioner/accused no.1. Investigation is reported to be pending.

Denying the complainant averments, the argument of the learned counsel for the petitioner/accused no.1 is that the petitioner/accused no.1 himself was a victim in the hands of some other persons in similar circumstances. In fact, he already lodged FIR.No.763 of 2017 against Ch.Shiva Kumar, K.Rajsh and S.Venkateshwar Reddy at Banjara Hills Police Station and the police have registered Crime for the offence under sections 420, 406 IPC read with 34 IPC and investigation is in progress and in that view, it is preposterous to allege that the petitioner/accused no.1 has cheated the complainant. He thus prays to quash the proceedings.

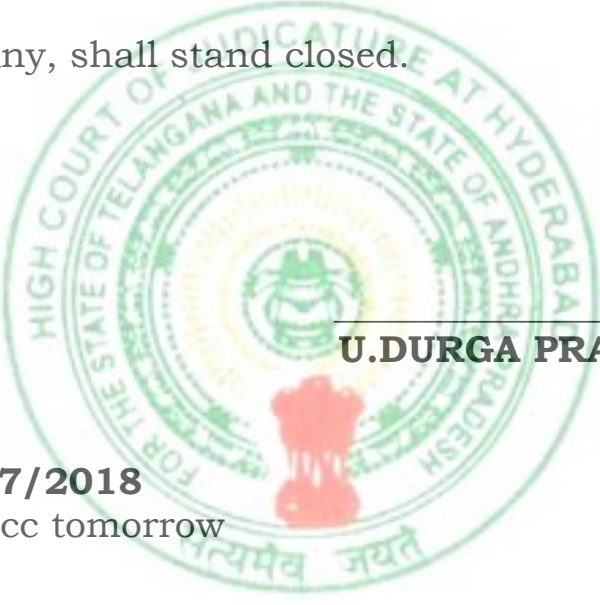
It is seen that the investigation is at nascent stage and it has to lead to its logical conclusion to determine whether the petitioner/accused no.1 has any hand in cheating the respondent no.2/complainant or he himself was a victim.

In that view of the matter, this Court, at this stage, is not inclined to quash the proceedings. However, having regard to the fact that petitioner/accused no.1 himself has lodged FIR No.763 of 2017 and it is also under investigation, this Court is of the considered view

that Investigating Officer in Crime No.172 of 2018 while conducting investigation shall strictly follow the guidelines rendered by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**¹ and also the provisions under section 41-A Cr.P.C. The petitioner/accused no.1 is directed to cooperate with investigating agency.

The Criminal Petition is disposed of accordingly.

As a sequel there to, miscellaneous petitions, pending if any, shall stand closed.



U.DURGA PRASAD RAO, J

Date: 09/07/2018

Note: Issue cc tomorrow
(B.O)
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¹ (2014) 8 SCC 273