

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No. 7124 of 2018

ORDER :

This Criminal Petition is filed by the Petitioner/A-2 under Section 482 Cr.P.C., to quash the complaint in Crime No. 240 of 2018 dated 22.05.2018 on the file of P.S. S.N. Puram, Vijayawada City, Krishna District, registered for the offences under Sections 420 r/w 345 IPC.

2. Accused No.2 is the brother-in-law of Accused No.1. The contentions of the complainant are that in November, 2015, Accused No.1 approached the complainant and asked him to invest amounts in his Battery shop to run the same, on the promise that he would admit him as a partner. Petitioner /Accused No.2 stood as guarantor for the money invested by the complainant. The complainant invested about 6 ½ lakhs. However, in the month of December when the complainant went to the shop of the Accused No.1, to his utter dismay, he found the shop was vacated by Accused -1 and he was also not found in the house. Then the complainant approached the petitioner / Accused No.2 . As usual, the Accused No.2 took responsibility of returning the amount from Accused No.1. However, he did not keep his promise and ultimately the complainant felt cheated in the hands of accused and thus lodged the report. Investigation is reported to be pending.

3. Having regard to the *prima facie* material found in the complaint and as the investigation is under the way, it is not fit case to quash the proceedings at this stage. However, considering the facts that as per the complainant allegations, the petitioner /Accused-2 stood only as a guarantor and he did not receive the amount from the complainant directly, the investigating officer is directed to strictly follow the guidelines rendered by the Hon'ble Apex Court in **Arnesh Kumar**

Vs.State of Bihar¹ and follow the procedure contemplated under Section 41-A Cr.P.C., during the course of investigation. The petitioner/ Accused-2, in turn, is directed to cooperate with the investigating agency for smooth completion of investigation.

4. Accordingly, the Criminal Petition is disposed of.

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

U.DURGA PRASAD RAO,J

Date: 10.07.2018



¹ (2014) 8 SCC 273

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