

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.3288 OF 2016

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. to quash the proceedings in Cr.No.238 of 2015 on the file of the Station House Officer, Central Crime Station, Hyderabad, registered for the offences punishable under Sections 406 and 420 IPC.

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor representing the 1st respondent-State, Mr.A.Abhishekh Reddy, learned counsel for the 2nd respondent-de facto complainant and perused the record.

3. Learned counsel for the petitioner would submit that the allegations do not constitute the offences referred above. The petitioner is an innocent person and falsely implicated in this case. The police are pressurizing the petitioner for arrest and also settle the issue with the de facto complainant. There is no iota of truth in the report lodged with the police, dated 21-09-2015 and ultimately, prayed to allow the petition.

4. Learned counsel for the 2nd respondent-de facto complainant would submit that the petitioner is habitual offender and chronic defaulter. He took loans from innocent persons, misrepresented and cheated them. There are number of criminal cases pending against him. Number of N.B.Ws. are also pending against him in different crimes. The contentions raised on behalf of the petitioner are false and ultimately, prayed to dismiss the petition.

5. In view of submissions made, the point for determination is whether the proceedings in Cr.No.238 of 2015

on the file of the Station House Officer, Central Crime Station, Hyderabad, are liable to be quashed?

6. As per the material placed on record, the petitioner approached the de facto complainant in the month of June, 2013 and requested him to advance an amount of Rs.2 crores stating that the work undertaken by him was stuck off due to insufficient funds. Believing the version of the petitioner, the de facto complainant advanced Rs.2 crores to him. The petitioner executed loan agreement. Thereafter, the petitioner did not pay any money to the de facto complainant. The petitioner has got deceptive intention from the beginning and he received Rs.2 crores from the de facto complainant without there being any stuck of work. There are also allegations of concealing the fact of taking advances from CSDCL to a tune of Rs.21 crores. There are also allegations that the petitioner took loans from different persons and evading payments. There are allegations constituting the offences referred above.

7. In view of nature of allegations and gravity of the offences, the investigation has to go on to find out the truth or otherwise of the allegations. It cannot be held that continuation of investigation is an abuse of process of law. The petition is devoid of merit and is liable to be dismissed.

8. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 05-03-2018.

Hsd