

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.12286 OF 2017

ORDER:

This petition is filed by the petitioner-A2 under Section 482 Cr.P.C. to quash the proceedings in Cr.No.139 of 2017 on the file of the Station House Officer, Shanthi Nagar Police Station, Jogulamba District, registered for the offence punishable under Section 420 IPC.

2. Heard learned counsel for the petitioner-A2, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-A2 would submit that there are specific allegations against A1. The petitioner-A2 has no connection with A1. The petitioner-A2 has not received any money. A false case is foisted against the petitioner-A2 and ultimately, prayed to allow the petition.

4. On the other hand, learned Assistant Public Prosecutor opposed the same stating that an amount of Rs.10,000/- was deposited in the bank account of the petitioner-A2.

5. As per the prosecution case, the de facto complainant studied Intermediate. She wants to seek admission in D.Ed., course. She saw advertisement with regard to D.Ed., course in regular Newspaper. On that, she contacted A1 through telephone. Thereafter, A1 knowing her address, approached her and gave assurance to her. A1 collected an amount of Rs.40,000/- from her to get her admitted in D.Ed., course in Madina College, Kurnool. When she made phone call to A1, he stated that her admission was confirmed in Madina College, Kurnool. Thereafter, she

phoned him many times regarding receipts and other documents regarding her admission in Medina College, Kurnool. But, there is no response from A1. After some time, she received a call from the petitioner-A2. She gave details of phone number of the petitioner-A2 as 9553390237. Through the said phone, the petitioner-A2 informed her that he is the Correspondent of Madina College, Kurnool and A1 had given him only certificates, but did not pay any amount. The petitioner-A2 further stated that she has to deposit money in his bank account, otherwise, her admission would be cancelled.

6. There is no reason for the de facto complainant to lodge a false report against the petitioner-A2 providing his telephone number. The allegations made in the report, dated 25.10.2017 do constitute the offence punishable under Section 420 IPC. The innocence or otherwise of the petitioner is required to be determined in the due course of investigation. At this juncture, it cannot be held that the petitioner-A2 has nothing to do with the allegations made in the report lodged with the police and he is an innocent person. The petition is devoid of merit and is liable to be dismissed.

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

DR.SHAMEEM AKTHER, J

DATED: 16-03-2018.

Hsd