

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1209 of 2020

ORDER:

This Criminal Petition is filed, under Section 482 Cr.P.C, by the petitioners/Accused Nos.1 to 4 seeking to quash the proceedings against them in Crime No.940 of 2019 of Sanjeeva Reddy Nagar Police Station, Hyderabad City, registered for the offences punishable under Sections 406 & 420 I.P.C. and Section 5 of Andhra Pradesh Protection of Depositors of Financial Establishment Act, 1999 (for short, 'APPDFEA Act').

2. Heard learned counsel for the petitioners/accused Nos.1 to 4, learned Additional Public Prosecutor appearing for respondent No.1-State and perused the record.

3. The brief facts of the case are that on 18.11.2019 at about 19.15 hours, Sanjeeva Reddy Nagar Police, Hyderabad City, received a complaint from the 2nd respondent/*de facto* complainant wherein it is stated that she has paid Rs.6,00,000/- to petitioner No.1/Accused No.1 towards chit amount and that one P.V.Raghu & I.Ramakrishna also paid Rs.5,00,000/- & Rs.2,00,000/- respectively to petitioner No.1/Accused No.1, but she is not giving money after completion of the chit. It is further stated that the petitioner No.1/Accused No.1 along with her family members, who are petitioner Nos.2 to 4/Accused Nos.2 to 4, quarrelled with them when they went to her house to ask their chit amount.

4. Learned counsel for the petitioners/accused Nos.1 to 4 would submit that the petitioners have been falsely implicated in the subject crime; that there is no documentary evidence to support the allegations in the complaint; that since the cheques which were given are dishonoured, the *de facto* complainant has to proceed under Section 138 of the Negotiable Instruments Act; that no offence is made out under Sections 406 & 420 I.P.C. and Section 5 of the APPDFA Act and no *prima facie* case is made out against the petitioners/Accused Nos.1 to 4 and that the *de facto* complainant is harassing the petitioners to pay the amounts, which they are not liable to pay by way of registering a false case and by using police force and prayed to quash the proceedings against the petitioners in the subject crime.

4. Learned Additional Public Prosecutor opposed for quashing the aforesaid F.I.R. and submits that the contents of the F.I.R. clearly disclose cognizable offence against the petitioners/Accused Nos.1 to 4.

5. Considering the various decisions including the decision of the Hon'ble Apex Court in ***State of Haryana Vs. Bhajan Lal***¹, I am of the considered view that there can be no interference with the investigation or order staying arrest of the accused unless cognizable offence is not *ex-facie* discernable from the allegations contained in the F.I.R. or there is any statutory restriction operating on the power of the police to investigate a

¹ 1992 SCC (Cr1) 426

case. From a perusal of the F.I.R., *prima facie*, at this stage it cannot be said that no cognizable offence is made out.

6. Considering the facts and circumstances of the case, however, if the petitioners/Accused Nos.1 to 4 surrender before the Court concerned within two (02) weeks from today and files petition praying to grant bail, the same shall be disposed of after giving due notice to the learned Public Prosecutor, as expeditiously as possible preferably on the same day. Till the petitioners/accused Nos.1 to 4 surrender before the Court concerned or for two (02) weeks whichever is earlier, the Police shall not take any coercive steps against them.

7. With the above direction, the Criminal Petition is disposed of.

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

JUSTICE G. SRI DEVI

Date: 19th February, 2020

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