

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 3963 OF 2023

Between:

Thudi Meghareddy, S/o Thudi Sai Reddy, Aged about 50 years, Occ. Business,
R/o Mangampally Village, Pedda Mandadi Mandal, Mahaboobnagar District.

...PETITIONER/ACCUSED

AND

1. The State Of Telangana, Through Public Prosecutor, High Court for the State of Telangana At Hyderabad.
2. VAGGU PARVATALU, S/o V.Mallaiah, Aged about 45 years, Occ. Civil Contractor, Kodair Village and Mandal, Nagarkurnool District.

...RESPONDENTS/COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to QUASH the FIR No.58/2023 of P.S.Wanaparthy Town, Wanaparthy under Section - 420, 406, 506 IPC as the same is untenable either on facts or under law.

I.A. NO: 1 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to STAY all further proceedings pursuant to FIR No.58/2023 of P.S.Wanaparthy Town, Wanaparthy under Section - 420, 406, 506 IPC including arrest of the Petitioner pending disposal of the main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri G RAJESHWAR REDDY, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and of None for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.3963 OF 2023****ORDER :**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-accused to quash the proceedings against him in respect of FIR No.58 of 2023 pending on the file of Station House Officer, Wanaparthi Town Police Station, Wanaparthi District, filed for the offences punishable under Sections 420, 406 and 506 of Indian Penal Code (for short "IPC").

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent – State. Perused the material on record.

3. The 2nd respondent – *de facto* complainant filed a complaint alleging that this petitioner who owed money did not pay the said amount in a railway contract work.

4. The learned Senior Counsel appearing for the petitioner would submit that according to the complaint, Rs.10,00,000/- was

paid by the petitioner to the 2nd respondent. However, the bank statement would reflect that this petitioner had paid an amount of Rs.32,00,000/-. The 2nd respondent filed the present complaint by suppressing the said fact.

5. To attract an offence of cheating punishable under Section 420 of IPC, there should have been an intention since the inception. Even assuming that Rs.10,00,000/- was paid at the initial stage, the question of attracting an offence under Section 420 of IPC does not arise.

6. Since the transactions appear to be civil in nature, this Court deems it appropriate to direct the Investigating Officer in respect of FIR No.58 of 2023 of Wanaparthi Town Police Station, Wanaparthi District, to conclude investigation without taking any coercive steps against the petitioner – accused, by considering the statement of accounts and explanation submitted by the petitioner. Further, the petitioner shall appear before the police and execute a personal bond for an amount of Rs.50,000/- (Rupees Fifty Thousand only) and shall co-operate with the Investigating Officer as and when required for the purpose of investigation.

7. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- C PRAVEEN KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The 1st Additional Judicial First Class Magistrate at Wanaparthy.
2. The Station House Officer, Wanaparthy Police Station, Wanaparthy District.
3. Two CC to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Sri G. Rajeshwar Reddy, Advocate [OPUC]
5. Two CD Copies

 **BJLB**
PR

HIGH COURT

DATED:20/04/2023

ORDER

CRLP.No.3963 of 2023



CRIMINAL PETITION
IS DISPOSED OF

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24/4/23