

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH  
AT HYDERABAD**

FRIDAY, THE THIRTIETH DAY OF MARCH  
TWO THOUSAND AND TWELVE

**PRESENT:**

**THE HON'BLE SRI JUSTICE G.KRISHNA MOHAN REDDY**

**CRL.P. No.8511 OF 2009**

## Between:

Edurugatla Vishnu.

... Petitioner/Accused.

AND

The state, rep. by Public Prosecutor,  
and another. ... Resp

... Respondents/Complainants.

[illegible]

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**This Court made the following:**  
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**ORDER :**

This Criminal Petition is filed by the Petitioner/Respondent under Section 482 of Cr.P.C seeking to quash proceedings in Crime No.124/2009 on the file of Station House Officer, Chandrugonda Police Station, Khammam District.

2. Whereas the petitioner herein is the accused, the 2<sup>nd</sup> respondent is the complainant in Crime No.124/2009. For the sake of convenience, I refer the parties as arrayed in the Criminal Case.

3. The version of the prosecution is as follows:

The de-facto complainant filed private complaint on 12.05.2009 before the I Additional Judicial First Class Magistrate, at Kothaguda, alleging that the complainant and 5 others entered into an agreement with the accused to clear and level their lands on 01.02.2009 and collected Rs.50,000/- each agreeing to complete it by the end of June, 2009 and started work initially in their lands. The complainant and the others demanded for the completion of the work, but the accused failed to complete the same and he postponed the issue on one pretext or the other. The accused when demanded to comply with threatened them with dire consequences. On the other hand, on 01.05.2009, he fled away along with his Dozer without informing to anybody. Thereby he cheated the complainant and others.

4. Learned Counsel for the petitioner contends that there are no ingredients of Sec.420 IPC because even as per the

allegations made by the prosecution, the accused carried out some work and before the completion of the stipulated time given for completing the work, report was given to Police and in fact in the corresponding remand report, it is observed that the allegations made happened to be only civil matter in nature and further there are no ingredients of Section

506 IPC also and hence, the proceedings are to be quashed.

5. In fact, in the remand report of the accused, the police observed that the ingredients of Section 420 IPC were not made out and the matter was purely civil in nature. However, the police found that the ingredients of Section 506 IPC were satisfied.

6. Therefore, it has to be seen as to whether there are ingredients of Section 420 and 506 IPC and there are grounds to quash the proceedings?

7. It is important that the allegations made provide that the accused collected totally an amount of Rs.5,00,000/- for carrying out some work and then he absconded. At this stage, this Court can only consider the allegations made in the corresponding report/complaint, which in my opinion satisfy prima facie the ingredients of Section 420 IPC. Further, the learned Magistrate has discretion to consider the findings of the police/Investigating officer by virtue of necessary investigation done and take necessary decision after hearing the de-facto complainant. Therefore, interfering in the matter so far as Section 420 IPC is concerned at this stage, amounts to interfering with the jurisdiction of the Magistrate. Further, so far as Section 506 IPC is concerned, there is clear allegation to the effect that when the de-facto complainant and others approached in the matter, the accused threatened them with dire consequences. With regards to Section 506 IPC also, the Police have to decide on the basis of

necessary investigation done about the genuineness of the allegations made. So, I see no grounds to quash the proceedings.

In the result, the Criminal Petition is dismissed, subject to the observations made.

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G.KRISHNA MOHAN REDDY, J

Date: 30-03-2012  
DA/KVS

THE HON'BLE SRI JUSTICE G.KRISHNA MOHAN REDDY

**CRL.P. No.8511 OF 2009**

March 30, 2012.  
DA/KVS

