

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY
CRIMINAL PETITION No.3476 of 2021

ORDER:-

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") is filed seeking quash of F.I.R in Crime No.448 of 2021 of Patamata Police Station, Vijayawada.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

On a report lodged by the 2nd respondent, who is the *de facto* complainant, alleging that the petitioner, who is the Chairman of the M.K. Constructions and Developers, along with others have collected huge amount of about Rs.79,20,000/- from the petitioner and the other investors, on a promise to register plots in their name, did not register any such plots and thereby cheated them, the above crime was registered against the petitioner and others for the offences punishable under Sections 406, 420, 506 r/w 34 IPC. The said case is now under investigation.

Learned counsel for the petitioner would submit that there is no specific allegation against the petitioner that he has collected any such money from the investors and thereby prayed to quash the F.I.R.

However, a reading of the contents of the F.I.R *prima facie* shows that the petitioner is the Chairman of the said M.K. Constructions and Developers and there is a clear allegation in the F.I.R that he along with other accused has collected about a sum

of Rs.79,20,000/- from 30 investors on a promise to register plots in their favor and did not register plots in their favour. Therefore, it cannot be said that there is no allegation made against the petitioner herein regarding commission of offence. Further, it is a serious matter where several investors have been cheated after collecting huge sum of money from them with a promise to register plots in their favour. Therefore, the matter requires investigation to find out the truth or otherwise of the said allegations. There are no valid legal grounds emanating from the record warranting interference of this Court at this stage under Section 482 Cr.P.C either to quash the F.I.R or to interdict the investigation. Therefore, the petition lacks merit.

In the result, the Criminal Petition is dismissed.

Miscellaneous petitions, if any pending, in the Criminal Petition, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date: 30.06.2021
AKN

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