

THE HON'BLE MRS JUSTICE ANIS

CRIMINAL PETITION No.3069 of 2015

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. by the petitioner/A.1 seeking to quash the proceedings in C.C.No.276 of 2015 on the file of III Additional Chief Metropolitan Magistrate, Hyderabad, which was registered for the offences punishable under Sections 406 and 420 I.P.C.

The case of the prosecution is that the Divisional Cooperative Officer, Golconda gave a complaint to the police on 21.06.2012 stating that the petitioner/A.1 along with the Secretary/A.2 executed sale deeds in respect of the plots of Sri Venkateshwara Cooperative House Building Society for AP Legislators with ulterior motive, though the official person-in-charge of the Cooperative Society appointed by the Registrar of Cooperative Societies assumed the charge of the society on 30.12.2011. The said complaint was registered in Crime No.578 of 2012 under Sections 406 and 420 I.P.C. and the Investigating Officer after recording the statements of witnesses filed a charge sheet into the Court against the A.1 and A.2 for the offences punishable under Sections 406 and 420 I.P.C.

Learned counsel for the petitioner/A.1 argued that the petitioner is innocent and not committed any offence and that Section 51 of the Cooperative Societies Act has not been followed. It is also argued that the petitioner has not executed any sale deeds in favour of third persons and prayed the Court to quash the proceedings in C.C.No.276 of 2015 on the file of the III Additional Chief Metropolitan Magistrate, Hyderabad.

On the other hand, learned Public Prosecutor argued that the petitioner/A.1 and A.2, the President and Secretary of the Society respectively, executed sale deeds in favour of several persons without any proper authority, though the official person-in-charge appointed by the Registrar of Cooperative Societies assumed the charge on 30.12.2011. Therefore, as per the contents of the charge sheet, there is a *prima facie* case against the petitioner and another person and further argued that irregularities committed by the petitioner have to be gone into at the time of trial and at this stage, the petitioner is not entitled to quash the proceedings in C.C.No.276 of 2015 on the file of the III Additional Chief Metropolitan Magistrate, Hyderabad.

A perusal of the record shows that the Divisional Cooperative Officer, Golconda gave a complaint to the police on 21.06.2012 against the petitioner/A.1 and A.2 and the same was registered in Crime No.578 of 2012 for the offences punishable under Sections 406 and 420 I.P.C. The allegation against the petitioner/A.1 is that though the official person-in-charge was appointed by the Registrar of Cooperative Societies, the petitioner having knowledge about the said appointment got executed the sale deeds in favour of third persons illegally for the plots of Sri Venkateshwara Cooperative House Building Society for AP Legislators. The Investigating Officer after recording the statements of witnesses filed a charge sheet into the Court for the offences punishable under Sections 406 and 420 I.P.C. against the petitioner/A.1 and A.2.

The main contention of the learned counsel for the petitioner/A.1 is that procedure under Section 51 of the Cooperative Societies Act has not been followed. Therefore, the complaint given by the Divisional Cooperative Officer is not maintainable and the proceedings in C.C.No.276 of 2015 on the file of the III Additional Chief Metropolitan Magistrate, Hyderabad are liable to be quashed.

It is no doubt true that in the complaint, there were serious allegations against the petitioner/A.1 and A.2, who worked as President and Secretary of the Venkateshwara Cooperative House Building Society for A.P.Legislators respectively. It is also alleged that though the petitioner had no power to execute the sale deeds as his term was over, he executed eight sale deeds and further, the investigation shows *prima facie* case against the petitioner. Therefore, at this stage, when the matter is coming up for trial, the petitioner is not entitled for quashing the proceedings in C.C.No.276 of 2015 on the file of the III Additional Chief Metropolitan Magistrate, Hyderabad.

Hence, the Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall also stand dismissed.

JUSTICE ANIS

Date:28.04.2015

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