

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**  
**CRIMINAL PETITION No.15238 OF 2013**

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**ORDER:**

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioner/accused seeking to quash the proceedings in C.C.No.522 of 2012 on the file of the IX Additional Chief Metropolitan Magistrate, Hyderabad, arising out of offences under Sections 403, 406, 419, 420 and 468 IPC.

The case of the prosecution is that the accused approached the IDBI Bank for a loan for purchasing a flat and has submitted some documents showing his later mother as co-purchaser and obtained loan, that the accused paid EMI regularly and became a defaulter. Bank authorities initiated proceedings against him under SARFAESI Act and sold the property. On enquiry, the bank came to know that the accused submitted forged documents in the name of B.Balaiah and encashed the cheques.

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the material available on record.

Learned counsel for the petitioner submits that there is no material on record like cheques alleged to have been issued by the accused and encashed by him by opening an account in the name of B.Balaiah and in the absence of any material against the accused. He further submits that there is no criminal breach of trust as there is no entrustment of the property to the accused by the bank authorities.

This Court is of the view that all the grounds raised by the learned counsel for the petitioner necessarily to be appreciated only at the time of trial and as such, this Court is not inclined to quash the proceedings against the petitioner/accused in C.C.No.522 of 2012 on the file of the learned IX Additional Chief Metropolitan Magistrate, Hyderabad.

The Criminal Petition is dismissed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

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**JUSTICE RAJA ELANGO**

28.10.2015

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