

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CRIMINAL PETITION No.616 of 2013

ORDER:

None appears for the petitioners and there is also no representation for the petitioners when their names were called out.

This petition is filed for quashing C.C.No.551 of 2011 on the file of IV Additional Judicial First Class Magistrate, Chittoor.

The 2nd respondent herein is the complainant. The petitioners herein are arrayed as accused Nos.1 and 2. It is set out in the complaint that the petitioners herein are the 1st and 2nd leaders of Padmavathi Mahila Mandali, Konapalle Village, Yadamari Mandal, Chittoor District, comprising of 10 members. The Mahila Mandali was formed on 28.04.2003 and a Savings Bank Account bearing No.2015028 was opened in Union Bank of India, Yadamari Branch, in the name of accused Nos.1 and 2 and they are having joint cheque power to operate the transactions of the bank account. The complainant as well as the other members of Mahila Mandali regularly paying Rs.50/- per month up to August 2007 and thereafter, they are paying Rs.100/- per month representing their savings amount. It is stated that the petitioners herein being the 1st and 2nd leaders have been collecting the said amount and depositing in the savings bank account every month. The bank has accorded loan facility at least on 4 occasions to the Mahila Mandali and the loan amounts were repaid. On the fifth occasion, when a loan application has been submitted, the bank authorities sanctioned a sum of Rs.3,00,000/- on 15.01.2009. The petitioners herein have withdrawn the said loan amount from the bank with a view to distribute the same equally amongst all the members. But, they have not distributed the same equally amongst the members. When the members have noticed certain grave discrepancies and when the petitioners herein could not explain as to the discrepancies pointed out. Hence, the complaint is made.

Now, the petitioners seek quashing of this charge sheet, which

is filed by the police after investigation, registered for the offence punishable under Sections 420 & 420 read with 34 IPC, except trying to show there is civil dispute between the parties, nothing substantial has been shown as to why the charge sheet should be quashed.

Prima facie the complaint and charge sheet disclose that the loan amount of Rs.3,00,000/- sanctioned by the bank authorities for distribution equally amongst all the members of the Mahila Mandali, has not done by the petitioners herein, who are acting as 1st and 2nd leading members of the said Mahila Mandali. It is for them to establish their defence before the Criminal Court that they have not breached the trust and that they have not misappropriated or cheated any one. I do not find any justifiable reason for quashing the charge sheet as the allegations *prima facie* disclose the commission of the offence alleged against the petitioners.

Accordingly, this criminal petition is dismissed.

Consequently, miscellaneous petitions, if any pending shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

18.06.2015

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