

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

**CRIMINAL PETITION Nos.3771, 3773, 3790, 3792 and 3775 of
2015**

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COMMON ORDER :

The petitioner filed the above numbered criminal petitions to quash the proceedings in C.C. No.211, 267, 258, 259 and 212 of 2015 respectively on the file of XIX Metropolitan Magistrate, Cyberabad at Miyapur. The petitioner/A-5, C.Shyam Sunder, in CrI.P.Nos.3773, 3771, 3790 and 3792 and the petitioner/A-5, Ashfaq Alam Khan, in CrI.P.No.3775 of 2015 in C.C. No.212 of 2015 supra. They worked as vigilance officer in the respective period under entity M/s.Shriram City Union Finance Company as well as Muthoot Finance respectively. The sum and substance of the contents of the accusations from the investigation in the final report under Section 173 Cr.P.C by the Police, Miyapur is that in the respective entities the respective petitioners while working as Vigilance Officers colluded with the respective branch managers in spite of enquiring the antecedents of the persons who were pledging the gold jewelry and that they failed to discharge their duty by omission and in aiding as a result the stolen property was accepted in pledge by the Branch Manager with their privy.

2) The contention of the petitioners respectively in these petitions to quash the charge sheets respectively against them are that the dispute is of civil in nature and there is nothing to show any duty statutorily or otherwise by any guidelines or contract provided to enquire every antecedent of every person pledging the jewelry muchless without even asking by the branch manager or the other person concern for a vigilance officer, privy or aiding and in the absence of which the accusation representing them for the offence against the branch managers and the other persons under Section 379 or 356 or 382 or 411 by reading with Section 109 I.P.C is unsustainable, hence the proceedings are to be quashed.

3) Perused the material on record. The material placed after elaborate hearing even falls short to admit the applications for quashing. From the hearing of the learned counsel for the petitioner as well as the learned Public Prosecutor representing the State before ordering any notice to the respective complainants-2nd respondents in these applications.

4) Having regard to the above, the applications are disposed of giving liberty to the respective petitioners to take recourse under Section 239 read with 240 Cr.P.C before hearing on charges if there is any material to place from the prosecution case vide ***state of Orissa V. Debendra Nath Padhi***. Needless to say if the petitioners want to represent through any other accused in these cases under Rule 37 Criminal Rules of Practice and in such petition, after hearing, the learned Magistrate shall accord permission unless their personal appearance is required for any adjournment.

5) With the above observations, all the criminal petitions are disposed of.

6) Miscellaneous petitions, if any pending in all the petitions, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.03rd June, 2015

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