

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38481 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to call for the records in FIR No.129 of 2016 and to quash the same.

The case of the petitioner is that the 3rd respondent lodged the present complaint against the petitioner, which was registered by the 2nd respondent as FIR No.129 of 2016, alleging that between 23.11.2013 to 26.08.2015, at Joint Sub-Registrar-I Office, Karimnagar, the petitioner, who is arrayed as A-2 in the above said crime, working as Shroff, along with one Smt. K. Anusha, who is arrayed as A-1, working as Junior Assistant, working in Sub-Registrar-I Office, Karimnagar, have misappropriated an amount of Rs.70,76,926/- in embossing of Franking impressions through machine maintained in the office and found some shortage of different kinds of stamps on different dates and did not remit the amount in the account of Joint Sub-Registrar-I for onward transfer to the Government Account and cheated the officials and Government. The main grievance of the petitioner is that it is unfair to compel the petitioner to undergo the rigmarole of a criminal trial in the absence of missing of offences under Sections 420 and 409 IPC and that there is no *prima facie* case made out to connect the petitioner to the above said crime and therefore, continuation of proceedings against the petitioner in the above said crime is an abuse of process of law.

Having regard to the facts and circumstances of the case, this Court is not inclined to interfere with the investigation at this stage, but considering the fact that the petitioner is a lady and she is having a baby of nine months old, the 2nd respondent is directed to complete the investigation in FIR No.129 of 2016 as expeditiously as possible and file a

final report, if any, either way in accordance with law, without arresting the petitioner. It is further directed that if the petitioner is called by the 2nd respondent for the purpose of investigation, the petitioner should appear before the 2nd respondent and she shall co-operate with the investigation by way of giving her signature and handwriting for the purpose of comparison by the Handwriting Expert.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 16th November, 2016

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