

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2469 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner in Crime No.10 of 2015 of C.I.D. Police Station, Hyderabad registered for the offences punishable under Sections 409, 420, 468 and 471 read with Section 34 IPC.

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

Learned counsel for the petitioner submits that during the relevant period, the petitioner being the Manager of the Bank sanctioned loans after following due procedure and that some loans have been cleared of after registration of the crime. He further stated that the petitioner has never committed any irregularities in sanctioning the loans as alleged and no case is made out against the petitioner.

A perusal of the material on record would reveal that the petitioner herein alleged to have committed certain irregularities being the Manager of the Bank in sanctioning home loans for a customer for construction at Kurnool at 215 KMs far away from the place of bank; sanctioning of home loans exceeding his discretionary powers; release of full amount instead of instalments without ensuring end use of funds for the purpose for which it was lent; non-creation of valid mortgage and registration of simple mortgage and transfer of home loan accounts to Adoni Branch prior to commandment of regular inspection without obtaining any

permission from the Zonal Office etc. Even if all the allegations of the complaint are taken at their face value and in its entirety, prima facie, a case is made out against the petitioner, involving misappropriation of huge amounts of the bank, the truth or otherwise of which have to be necessarily investigated by the investigating agency and the same cannot be adjudicated at the threshold. Since specific overt acts attributed to the petitioner for the offences, much less the alleged offences, this Court is not inclined to interfere with the proceedings invoking the jurisdiction under Section 482 Cr.P.C., and hence, the criminal petition is liable to be dismissed. At this stage, the learned counsel for the petitioner stated that the petitioner is apprehending of his arrest in view of pendency of the above crime.

Considering the facts and circumstances of the case and the submission of the learned counsel for the petitioner, the C.I.D. Police, Hyderabad is directed to complete the investigation into the crime without arresting the petitioner and file final report before the Court. However, in the event of any necessity, the police are directed to issue notice to the petitioner to appear before it for the purpose of investigation, on receipt of which, the petitioner is directed to appear before the police, for the purpose of investigation and cooperate with the investigating agency.

With the above direction, the Criminal Petition is dismissed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 26-02-2016

-
Ksn