

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.15698 of 2016

ORDER:

This Criminal Petition under Section 482 Code of Criminal Procedure (for short ' Cr.P.C) is filed to quash the proceedings in C.C.No.890 of 2015 pending on the file of Additional Judicial First Class Magistrate at Sangareddy, Medak.

The sole ground urged by the learned counsel for petitioner before this Court is the identity of the accused. As per the allegations made in the complaint 'Thalla Sai Kumar Goud' is the accused. But the petitioner is not the same person referred to in the complaint and his name is T. Sai Kiran Goud, S/o Jangaiah Goud, aged about 27 yrs, Occupation: Business, R/o 1-51, Old RC Puram, Medak District. Therefore, he seeks quashment of the proceedings in the above Calender Case relying on a decision reported in **Harshendra Kumar D v. Rebatilata Koley etc.**,¹.

In view of the short ground raised before this Court, it is necessary to advert to the allegations made in the complaint on the conduct of the petitioner. The particulars of the accused described in the complaint as follows: Thalla Sai Kumar Goud, S/o Jaganiah Goud, aged about 26 yrs, Occupation: Private Employee, R/o H.No.2-4-46/9/3/E, Sainagar Colony, BHEL Bus Stop Road, Ramachandrapuram (T& M), Medak District. A cheque bearing NO.545599, dt.21.12.2014 was allegedly issued by the Accused i.e., Thalla Sai Kumar Goud for Rs.3,00,000/- drawn on HDFC Bank at Ramachandrapuram, Medak District and it was allegedly

¹ AIR 2011 SC 1090

dishonored and therefore the complainant following the procedure issued a Notice to the Thall Sai Kumar Goud i.e., accused, demanding the debt amount and the receipt of the same was acknowledged by Thalla Sai Kumar Goud, S/o Jaganaiah Goud, aged about 26 years, Occ. Private Employee, R/o H.No.2-4-46/9/3/E, Sai Nagar Colony, Depot Road, Ramachandrapuram (T & M). It is also contended that the said acknowledgment was not signed by the petitioner and he never received any such demand notice.

After receiving summons in the above case, the petitioner himself appeared and got filed his affidavit by engaging an Advocate and contesting the matter. The complainant filed affidavit in lieu of his examination in chief and Exs. P.1 to P.8 were marked. Now the contention of the petitioner is that he is not Thalla Sai Kumar Goud, S/o Jaganaiah Goud, R/o H.No.2-4-46/9/3/E. So, the dispute is with regard to identity. If really, he was not accused, how he received summons and appeared in Court by engaging an Advocate to contest the matter was not explained by the petitioner. The identity regarding the name of the accused can be established by producing evidence during trial and based on the evidence produced by the petitioner alone i.e., Aadhar Card, the identity cannot be established. Therefore, on the sole ground of dispute regarding identity of the petitioner, the proceedings cannot be quashed.

Learned counsel for petitioner placed reliance on Harshendra Kumar's case referred to supra, wherein the Apex Court held in para No.22 that 'Criminal Prosecution is a serious matter; it affect

the liberty of a person. No greater damage can be done to the reputation of a person than dragging him in a criminal case, expressed opinion, the High Court fell into grave error in not taking into consideration the uncontroverted documents relating to appellant's resignation from the post of Director of the Company. Had these documents been considered by the High Court, it would have been apparent that the appellant has resigned much before the cheques were issued by the Company'.

The law declared by the Apex Court is not in quarrel. But, there are different ways and means to establish the identity and such identity can be established only during the course of trial and basing on simple Aadhar Card, it is difficult to conclude that the petitioner is not the accused and if really, he was not the accused, how he appeared before trial court by engaging an Advocate to contest the matter in the trial to some extent. Therefore, at this stage, it is not appropriate to quash the proceedings on the sole of dispute regarding identity of the accused since the identity of the accused can be established in different ways before the trial Court. Therefore, I find no ground to quash the proceedings at this stage.

Accordingly, this Criminal Petition is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Dt: 07-11-2016

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