

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.619 OF 2016

ORDER:

This petition is filed by the petitioner-accused No.14 seeking to quash the proceedings against him in C.C.No.17 of 2009 on the file of the I Additional Special Judge for the CBI Cases, Hyderabad.

Heard and perused the material available on record.

The petitioner is alleged to have committed the offences punishable under Sections 120-B, 419, 420, 467, 468 and 471 IPC and Sections 13(2) r/w 13(1)(d) of the P.C. Act.

It is alleged that A7 in the above C.C. availed three housing loans from three different Banks by furnishing false documents. It is alleged that A7 mentioned a single flat as G1, G2 and G3 of Pooja Residency, 496/2RT, S.R. Nagar, Hyderabad and availed loans. It is alleged that in order to facilitate the said loan transactions, the petitioner and A13 got registered the subject flat in the name of A7.

The learned Counsel for the petitioner fairly submitted that the petitioner had moved an application for discharge earlier and the same was dismissed by the trial Court and subsequent to dismissal of the said discharge application, A7, who availed loans as alleged by the prosecution, repaid the entire loan amount. He further submitted that there is change of circumstances and that the charges are not yet framed.

This Court is of the view that the change of circumstances cannot be a ground to quash the proceedings. In view of the same and in view of the submission that A7 has paid the entire loan amount, and since it is informed that the charges are not yet framed, the Criminal Petition is disposed of with the following direction:

“The petitioner is at liberty to move discharge application afresh before the trial Court informing that A7 has already paid the entire loan amount. On such

application being filed, the trial Court is directed to dispose of the same in accordance with law.”

Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 15.02.2016
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Dated 15th February, 2016.

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