

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2261 OF 2016

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ORDER:

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1. This petition is filed by the petitioner-accused No.3 under Section 482 Cr.P.C. seeking to quash the proceedings against her in C.C.No.153 of 2015 on the file of the XII Additional Chief Metropolitan Magistrate, Hyderabad.

2. Heard and perused the material available on record.

3. It is alleged that one A. Srinath Goud alias Y. Srinath Goud requested the 2nd respondent for financial help for expansion of his business. The 2nd respondent-complainant and the said Srinath Goud opened a separate firm in the name of SPR Technologies within the same premises. The complainant being a partner invested the amounts for manufacturing of items against the orders from department of agriculture, Government of India New Delhi and Karnataka Government Agriculture Marketing Board, Bangalur. A delivery challan and invoice is also shown by Srinath Goud. Subsequently, as the complainant could not get the bill, he made enquiries and found that all the papers shown to him are fake and that the total amount was transferred to Srinath Goud Account and that no business took place.

4. Learned Counsel for the petitioner submitted that the allegations were made against A1, who is the husband of the petitioner, and since the petitioner is a wife of A1, she was added as accused and that the petitioner has no knowledge about the source of income of A1 and therefore, she cannot be prosecuted.

5. The truth or otherwise of the grounds raised by the learned Counsel for the petitioner can be decided by the trial Court. The petitioner is at liberty to file an application before the trial Court raising all the above grounds and seeking discharge. On such application

being filed, the trial Court is directed to dispose of the same in accordance with law. Till disposal of such discharge application, the presence of the petitioner before the trial Court is dispensed with. If the petitioner fails in discharge application, she is at liberty to challenge the same before the appropriate Court.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 24.2.2016

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