

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL PETITION No.2542 of 2016**

**ORDER:**

This criminal petition, under Section 482 of the Code of Criminal Procedure, is filed by the petitioners-Accused Nos.1 to 3 seeking to quash the proceedings in CC No.740 of 2015 on the file of the III-Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

Heard and perused the material available on record.

The offences alleged against the petitioners are punishable under Sections 420 and 468 IPC. The allegations against the petitioners is that the 3<sup>rd</sup> petitioner, who is a Director of the de facto complainant's company, insisted the de facto complainant and his wife to join in the chits, being run by his wife i.e. 1<sup>st</sup> petitioner, and he signed on some of the chit agreements without informing the complainant and made the other directors of the de facto complainant's company to pay for those chits and misappropriated the amounts paid by the de facto complainant.

The main contention raised by the learned counsel for the petitioners is that the petitioners are innocent of the offences alleged against them and the de facto complainant is threatening the petitioners not to give evidence in Crime No.42 of 2006 which was registered against the de facto complainant as the de facto complainant and his wife collected huge amounts from the public by way of deposits but failed to repay the money to the depositors.

After considering the facts and circumstances of the case, this Court is of the view that the petitioners can raise all the grounds that are raised before this Court, before the trial Court by filing discharge application before the trial Court. Therefore, the Criminal Petition is disposed of with the following directions:

The petitioners are directed to approach the trial Court and file an application for discharge and on such application being filed, the trial Court is directed to peruse all the documents and consider the said application and pass appropriate orders. If the petitioners are aggrieved over any of the orders passed by the trial Court, they are at liberty to approach this Court. Till the disposal of the discharge application being filed by the petitioners, their presence before the Court below is dispensed with.

Miscellaneous petitions pending if any, shall stand closed.

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**RAJA ELANGO, J**

**February 26, 2016.**  
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