

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.1728 of 2016

ORDER:

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1. This Criminal Petition is filed by the petitioner-accused No.2 under Section 482 Cr.P.C. seeking to quash the proceedings against him in FIR No.44 of 2016 on the file of LMD Colony Police Station, Karimnagar District, registered for the offence punishable under Sections 409 and 420 IPC.

2. Heard and perused the material available on record.

3. It is the case of the prosecution that the District Collector instructed orally the de facto complainant to lodge a complaint against Union Bank of India and Fino Paytech Limited for not disbursing the pending wage amount. It is alleged that the petitioner and accused No.1 cheated the Government by misappropriating the funds to a tune of Rs.3,57,073/-, which are meant for disbursement to the wage seekers for the work done during the financial years 2012-2013 to 2013-2014.

4. The main contention of the learned Senior Counsel appearing for the petitioner is that there is no privity of contract between Fino Paytech Limited and the Government, and that the Union Bank availed the services of Fino and that Fino Paytech Limited had settled its accounts with the Union Bank of India and that no allegations were made against the petitioner.

5. The above contentions raised by the learned Senior Counsel are the factual aspects which require investigation. At this stage, the learned Senior Counsel appearing for the petitioner submitted that in view of the nature of the allegations, there is no need to arrest the petitioner. In case of this nature, this Court does not grant such relief.

But in the present facts and circumstances of the case, this Court is of the view that it is a fit case to be investigated into without arresting the petitioner. The petitioner is at liberty to produce all the documents to substantiate his claim to the effect that the entire amount, which was directed to be disbursed to the workers, was repaid to the Bank concerned. The Investigating Officer is also directed to consider all the documents and proceed in accordance with law and file a final report, if any.

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

JUSTICE RAJA ELANGO

Dated: 15.2.2016

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