THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION Nos.2688,2697,2715,

3041,3053,3059,3150,3153 & 3154 OF 2016

COMMON ORDER:

Since the petitioner is accused in all these Criminal Petitions and as the issue involved is common, they are heard together and being disposed of by this common order.

All these Criminal Petitions are filed under Section 482 of Cr.P.C. seeking to quash the proceedings in FIR Nos.22, 23, 13, 26, 27, 24, 29, 31 & 30 of 2016 respectively, pending on the file of Nalgonda I-Town Police Station, Nalgonda District for the offences under Sections 406, 409, 420 IPC; Section 76 of Chit Funds Act, 1982 and Section 5 of A.P. Protection of Depositors of Financial Establishments Act, 1999. In all these Crimes, there are two accused and the petitioner herein is arrayed as A.1 in some of the case and A.2 in some other cases.

The allegations against the petitioner herein is that she being the partner of M/s. Sri Sai Chit Funds Private Limited conducted chit fund business, collected huge amounts from various subscribers, failed to repay the chit amounts, closed the firm and escaped with the chit amounts.

The learned counsel for the petitioner submits that the petitioner joined the firm on 1.4.2006 and retired from the said firm on 10.5.2012 and that the alleged transactions took place after her retirement from the partnership firm and that she is not responsible or accountable for the day-to-day conduct of the business and that all the assets and liabilities were taken over by the other partners of the firm. Further the petitioner has not subscribed her signature to any of the promissory notes nor has issued any cheques. In fact, the chit fund firm belongs to one Pothuraju Narasimha and the petitioner is nothing to do with the said firm.

Heard the learned counsel for the petitioner, learned Additional Public Prosecutor and perused the material on record.

The only ground on which the learned counsel for the petitioner seeks to quash the impugned proceedings is that the petitioner was inducted as partner on 1.4.2006 and later she retired from the firm on 10.5.2012 and therefore, she is neither responsible nor accountable for the day-to-day conduct of business of the firm. In support of the said contention, the learned counsel for the petitioner placed a copy of Deed of Dissolution of Partnership dated 10.5.2012 and a paper publication issued to that effect. As seen from the allegations in the complaints, there is prima facie material against the petitioner to proceed with the investigation. At this stage, this Court dealing with the provisions under Section 482 of Cr.P.C., cannot delve upon the genuineness or authenticity of the said Deed of Dissolution of Partnership dated 10.5.2012 and cannot scuttle the investigation at the threshold. It is for the investigating agency to conduct enquiry as to the genuineness or otherwise of the documents that are relied on by the petitioner. Hence, this Court is not inclined to interfere with the impugned proceedings at this stage and the Criminal Petitions are liable to be dismissed.

In the result, all the Criminal Petitions are dismissed.

Consequently, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE RAJA ELANGO

24.06.2016
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