

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.5486 of 2011

ORDER:

The criminal petition is filed for quash of the proceedings in CC.No.752 of 2010 on the file of the II Additional Chief Metropolitan Magistrate, Hyderabad.

2. Heard the counsel for the petitioner and the learned Public Prosecutor appearing on behalf of the third respondent. None appears for respondents 1 and 2 in spite of notice.

3. The offence for which the complaint is filed is under Section 500 of the Indian Penal Code, 1860. The allegations are that the petitioner herein has lodged a complaint with the CBI Police, Chennai with false, baseless, unfounded allegations and created for the purpose of lodging the complaint.

4. The petitioner herein is a bank and the case filed before the CBI is for realization of the loan amount. Hence, the complainant takes that act of the petitioner, as an act of defamation. But in the considered opinion of this Court the said act does not amount to defamation. The imputations made by the accused are also mentioned in the complaint and such imputation cannot be taken as an imputation, which is intended to defame the accused. It is only made in order to put forth their plea, for securing the expected result. Hence, this Court opines that any proceedings in the above crime would only result in abuse of process of law.

The criminal petition is allowed and further proceedings in CC.No.752 of 2010 on the file of the II Additional Chief Metropolitan Magistrate, Hyderabad, against the petitioner, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

December 21, 2017
DSK

T. RAJANI, J

