

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1318 OF 2017

ORDER:

The present Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973, is filed seeking to quash the First Information Report in Crime No.181 of 2016 of II Town Gudivada Police Station, Krishna District.

2. The petitioner, who is accused, alleged to have committed the offences punishable under Sections 409, 406 and 420 read with 34 of the Indian Penal Code, 1860 (IPC).

3. Sri G. R. Sudhakar, learned counsel for the petitioner, while pleading innocence and false implication of the petitioner, would submit that the petitioner, who is Accounts Officer (Senior Accountant), has no role to play in generating fake bills and embezzlement of municipal funds and, in fact, a technical team would examine the work done and prepares bills and after the bills were processed, they would be passed and the petitioner cannot be viewed as having authority to pass the bills without there being any material at all and, therefore, requests to quash the First Information Report.

4. The learned Additional Public Prosecutor for the State of Andhra Pradesh would strongly resist the request. It is, according to him, that the complaint lodged by the Commissioner, Gudivada Municipality, would *prima facie* establish the offences having

committed by the petitioner and unless the petitioner subscribes his signatures to the bills, the question of drawing and misappropriating the amount does not arise.

5. The amount involved is Rs.8,90,153/-. The said amount was drawn from the municipal funds without executing any work of providing C.C. road to Chanti Apartment to G. Seetha Ramaih House with an estimated cost of Rs.9,99,000/-. It is no doubt true, the technical team might have indulged in submitting the measurements, but, that itself cannot be a ground, in the circumstances of the case, to view that the petitioner is absolutely innocent and that it cannot be said that the complaint is vexatious nor can it be said that the investigation would amount to abuse of process of law, as sought to be viewed by the learned counsel for the petitioner. Hence, the said submission is rejected.

6. Therefore, the Criminal Petition is dismissed, at the admission stage itself.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

February 21, 2017.

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