

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No. 9791 OF 2011

ORDER :

This Criminal Petition is filed under Section 482 of Cr.P.C., seeking to quash the Proceedings in Crime No. 863 of 2011 of Rajendranagar Police Station, Cyberabad, registered for the offences punishable under Section 406 and 420 of I.P.C. against the petitioner/accused.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the second respondent and the learned Public Prosecutor for the first respondent.

3. The counsel for the petitioner submits that the second respondent does not have locus standi to file this complaint, as he was also alleged to have been responsible for the amount that was found during the audit. The order dated 07/10/2006 shows that the complainant was to deposit Rs.1528/- while the petitioner was to deposit Rs.39,669/-. The counsel for the second respondent submits that subsequent to the audit order he has paid the said amount.

4. The counsel for the petitioner submits that he also paid the said amount. He draws attention of this Court to the statement given by him, wherein he stated that he paid amount immediately after clearing the account.

The memorandum issued by the Assistant Director, [Admin], dated 30/04/2007 shows that first instalment of the due amount was recovered from the salary of the petitioner. The second respondent does not dispute the fact that the entire amount that was found to be due from the petitioner was recovered. When such is the case, the second respondent does not have locus standi to file the complaint against the petitioner, as he was also equally found responsible for certain amount.

5. Hence, in view of the above, this Court opines that further proceedings in Crime No. 863 of 2011 of Rajendranagar Police Station, Cyberabad, registered for the offences punishable under Section 406 and 420 of I.P.C. against the petitioner/accused would result in abuse of process of law.

6. Hence, the Criminal Petition is allowed and further proceedings in Crime No. 863 of 2011 of Rajendranagar Police Station, Cyberabad, registered for the offences punishable under Section 406 and 420 of I.P.C. against the petitioner/accused are quashed.

7. As a sequel, miscellaneous petitions if any, pending in this criminal petitions stand disposed of.

JUSTICE T. RAJANI

23-08-2018
I s L



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[RESULT : ALLOWED]



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