

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.9706 OF 2011

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioners/Accused Nos.2 and 3 seeking to quash the proceedings in Crime No.118 of 2011, on the file of the Station House Officer, Mahabubnagar I Town Police Station, Mahabubnagar District, registered for the offences punishable under Sections 409 and 420 R/w.34 of I.P.C.

2. Heard learned counsel for the petitioners and learned Public Prosecutor, appearing for the respondent – State.

3. The complaint is filed stating that on an enquiry caused by the complainant, who was the then Commissioner, Mahabubnagar Municipality, it came to light that A-1, who was the erstwhile Municipal Commissioner of Mahabubnagar Municipality, has unauthorizedly opened the bank accounts in SBH Main Branch and ING Vysya Bank Limited, Mahabubnagar, and by depositing the official cheques therein has withdrawn huge amount on different dates and as such public money was used for his personal purpose. The specific allegation against these petitioners, who were the then Accountant and Shroff, is that they also had knowledge of un-authorized accounts being maintained by the Commissioner/A-1.

4. Hence, from a perusal of the contents of the complaint, no material with regard to the offences alleged against the petitioners is evident. Apart from the above, learned counsel for the petitioners submits that in the departmental enquiry, while all the three charges framed against the petitioners were not proved and they were found to be not guilty, the three charges were proved against the then Commissioner/A-1 in this case.

5. Hence, in view of the above, this Court opines that continuation of further proceedings against the petitioners would only be an abuse of process of law.

6. Accordingly, the Criminal Petition is allowed and all further proceedings against the Petitioners/A-2 and A-3, in Crime No.118 of 2011, on the file of the Station House Officer, Mahaboobnagar I Town Police Station, Mahabubnagar District, are hereby quashed.

7. As a sequel, miscellaneous petitions, if any, pending in this Petition shall stand closed.

T. RAJANI, J

Date: 30.10.2018.
Dsh



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