

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.7323 of 2011

ORDER:

This criminal petition is filed, seeking for quash of the proceedings in Cr.No.131 of 2011, against the petitioner, who is A1, on the file of the Station House Officer, Mudinepalli Police Station, Krishna District. The offences alleged are under Sections 408 and 409 of the Indian Penal Code.

2. Heard the counsel for the petitioner and the learned Public Prosecutor, appearing for the second respondent. None appears for the first respondent in spite of notice.

3. The counsel for the petitioner submits that the complaint does not disclose any offence committed by the petitioner. The whole allegations are against A2, who is the Secretary of the Society.

4. A reading of the complaint would show that the complete responsibility is on the secretary, B. Aruna Kumari, who is shown as A2. The only allegation in the complaint is that A2 committed fraud and misappropriation of amount during the tenure of the petitioner as President. Except the said averment in the complaint, there is absolutely no allegation against the petitioner with regard to the alleged offence. Merely because the petitioner is the President of the society, it cannot be said that he had any role to play in the alleged misappropriation and fraud committed by A2, unless there are specific allegations made against the petitioner. Hence, this Court opines that

continuation of the further proceedings against the petitioner would only be abuse of process of law.

In the light of the above, the criminal petition is allowed and the proceedings in Cr.No.131 of 2011, against the petitioner, who is A1, on the file of the Station House Officer, Mudinepalli Police Station, Krishna District, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

October 8, 2018
DSK

T. RAJANI, J

