

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.3230 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.3, A.10, A.15, A.18, A.19, A.26, A.27 & A.28, to quash the proceedings in Crime No.196 of 2014 on the file of Akividu Police Station, West Godavari District, registered for the offences under Sections 466, 468, 471, 420 read with 34 of I.P.C.

2. Heard the learned counsel for the petitioners/A.3, A.10, A.15, A.18, A.19, A.26, A.27 & A.28, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioners/A.3, A.10, A.15, A.18, A.19, A.26, A.27 & A.28 would submit that the petitioners/A.3, A.10, A.15, A.18, A.19, A.26, A.27 & A.28 are not responsible for obtaining the alleged loan. They have nothing to do with the Pattadar Passbooks and Title Deeds said to have been filed before the bank authorities for obtaining the loan. The petitioners/A.3, A.10, A.15, A.18, A.19, A.26, A.27 & A.28 are implicated in the instant crime basing on the confession made by the other accused. The other accused alleged to have forged and fabricated the documents and availed loan under PAGCC (Pattabhi Agricultural Credit Card) Scheme. The petitioners/A.3, A.10, A.15, A.18, A.19, A.26, A.27 & A.28 have not obtained any loan under the said scheme from Andhra Bank, Akividu Branch, West Godavari District. There are no circumstances to continue the investigation against

the petitioners/A.3, A.10, A.15, A.18, A.19, A.26, A.27 & A.28 and ultimately prayed to quash the proceedings.

4. The learned Assistant Public Prosecutor opposed the relief sought by the petitioners/A.3, A.10, A.15, A.18, A.19, A.26, A.27 & A.28.

5. Now the point for determination is whether the proceedings in proceedings in Crime No.196 of 2014 on the file of Akividu Police Station, West Godavari District, are liable to be quashed.

6. As per the records placed before this Court, the Chief Manager, Andhra Bank, Akividu Branch, West Godavari District, filed a written report alleging that agricultural loans under PAGCC Scheme were obtained by the petitioners/A.3, A.10, A.15, A.18, A.19, A.26, A.27 & A.28 and others by filing fake, forged and fabricated Pattadar Passbooks, in the year 2008. The petitioners/A.3, A.10, A.15, A.18, A.19, A.26, A.27 & A.28 have also opened accounts in their names before the loan was sanctioned. Each petitioner obtained loan of Rs.1,00,000/- under the PAGCC Scheme. The loan was not repaid. When the documents filed by the petitioners/A.3, A.10, A.15, A.18, A.19, A.26, A.27 & A.28 and others were sent to the revenue authorities for verification, it was found that the said documents are false and fabricated.

7. In the instant crime, some of the accused are arrested and their confession statements were recorded, wherein, they have also deposed against the petitioners/A.3, A.10, A.15, A.18, A.19, A.26, A.27 & A.28. As per the records, photographs of the

petitioners/A.3, A.10, A.15, A.18, A.19, A.26, A.27 & A.28 are available with the bank authorities, which were furnished when their bank accounts were opened. There are also documents signed by the petitioners/A.3, A.10, A.15, A.18, A.19, A.26, A.27 & A.28 affixing their photographs. Under these circumstances, it cannot be held that the petitioners/A.3, A.10, A.15, A.18, A.19, A.26, A.27 & A.28 are innocent persons and the allegations made against them in the First Information Report are false. The truth or otherwise of the allegations require investigation. Continuation of investigation is not abuse of process of law. The Criminal Petition is devoid of merit and is liable to be dismissed.

8. In the result, the Criminal Petition is dismissed.

Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

15th March, 2018
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