

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.3722 OF 2013

ORDER:

This petition is filed by the petitioner, who is A2, seeking to quash the proceedings in C.C.No.368 of 2012 on the file of the court of II Additional Chief Metropolitan Magistrate, City Criminal Courts at Hyderabad. The offences alleged are under Sections 406, 420, 468, 471 r/w 120(b) IPC.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the 1st respondent. None appears for the 2nd respondent in spite of notice.

3. The allegations against the petitioner are that she being a Director, having connived with A1 and A3, who are also Directors, misappropriated some amounts from the Company when the *de facto* complainant was bed ridden due to the accident he met in the year 2002.

4. The counsel for the petitioner submits that the petitioner submitted resignation on 30.03.2012 and the altercation with regard to the said resignation is that the signature of the *de facto* complainant in the capacity of the MD was forged. The counsel further submits that the incident, which lead to the filing of this complaint, is dated 20.07.2006 and he further submits that by that date the petitioner is no longer a Director in the company.

5. But a perusal of the complaint shows that the allegations pertain to the period starting from the year 2002, which is the

year in which the *de facto* complainant met with an accident, though no specific date of accident is mentioned. The further allegation is that on 20.07.2006 form No.32 is filed stating that A3 was appointed as Board of Directors of the Company and he removed the complainant from the board. Hence, unless a detailed enquiry is conducted, the truth of the matter would not come out and hence, this court feels it is not safe to quash the proceedings at this stage.

6. With the above observations, the Criminal Petition is dismissed. However, considering the plea of the petitioner's counsel that the presence of the petitioner may be dispensed with, the Court below is directed not to insist upon the presence of the petitioner unless it is necessary for the proceedings of the case. Interim stay granted by this court by order dated 03.06.2013 in this petition shall stand vacated.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T.RAJANI, J

December 4, 2018
LMV