

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.2328 of 2016

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioner/A.4 seeks to quash the proceedings against him in C.C.No.1169 of 2008 on the file of VI Additional Chief Metropolitan Magistrate, Hyderabad.

2) Heard both sides.

3) It is brought to notice of the Court that in Criminal Petition No.9119 of 2009, this Court passed an order dated 28.10.2015 quashing the proceedings against A.5, A.7 and A.8 on the observation that no specific allegations were made against them either in the complaint or in the charge sheet, except stating that non-petitioner/A.1 in collusion with A.2 to A.10 run a bogus institute by collecting huge amounts from the students. This Court further observed that all the allegations were levelled against the non-petitioner/A.1 and without there being any specific allegations either in the complaint or in the charge sheet, the petitioners/A.5, A.7 and A.6 cannot be prosecuted for the offences under Sections 420 and 406 IPC and if they are made to face the trial, it would amount to abuse of process of the law.

4) It is seen that the petitioner/A.4 also stands on the same footing as that of A.5, A.7 and A.8. Except a bald allegation that A.1 in collusion with A.2 to A.10, has run a bogus institute by collecting huge amounts from the students, no specific allegation as to in what manner, A.4 has colluded with

A.1 and other accused and what role he played in the offences under Sections 420 and 406 IPC was not specifically mentioned. Therefore, in the considered view of this Court, continuation of the proceedings against petitioner/A.4 would amount to abuse of process of the Court.

5) In that view, this Criminal Petition is allowed and the proceedings in C.C.No.1169 of 2018 on the file of VI Additional Chief Metropolitan Magistrate, Hyderabad, are quashed sofaras petitioner/A.4 is concerned.

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

Date: 12.07.2018
scs

U. DURGA PRASAD RAO, J

