

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.49 OF 2013

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner/A-2 seeking to quash the proceedings in Crime No.66 of 2012, on the file of the Station House Officer, Nagaram Police Station, Guntur District, registered for the offences punishable under Sections 403, 406 and 420 of I.P.C.

2. Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the 1st respondent – State. None appears on behalf of the 2nd respondent – *de-facto* complainant, in spite of service of notice.

3. The Crime was registered based on the proceedings issued by the 2nd respondent, who is the Divisional Co-operative Officer, Tenali; by virtue of which, initiation of criminal proceedings against the concerned under the relevant Sections of I.P.C. was recommended.

4. Learned counsel for the petitioner submits that there were three persons against whom surcharge proceedings were initiated and the said proceedings would show that the surcharge proceedings were dropped against the petitioner herein, who is the Ex-Secretary, Dhulipudi PACS, in view of the recovery made from him; the 2nd person against whom surcharge proceedings were initiated is one V.Vasanth Rao, Ex-Secretary, died, and no recovery was made from him, and the 3rd person is one P.Sambasiva Rao, Ex-President, recommendation for filing criminal case against whom was made.

5. Learned counsel further submits that registration of the case against this petitioner is done in a mechanical way without appreciating the contents of the surcharge proceedings dated 12.04.2012 and the same can be understood from the fact that the case was registered even against the dead person though the said fact was mentioned in the proceedings.

6. This Court opines that there is some force in the argument of learned counsel that absolutely there is no basis laid in the said proceedings for filing criminal complaint against this petitioner.

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

8. Accordingly, the Criminal Petition is allowed and all further proceedings against the Petitioner/A-2, in Crime No.66 of 2012 on the file of the Station House Officer, Nagaram Police Station, Guntur District, are hereby quashed.

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

Date: 10.12.2018.
Dsh

T. RAJANI, J



SMT JUSTICE T.RAJANI**116****13122018****CRIMINAL PETITION No.49 OF 2013**

Date. 10.12.2018

DSH