

SMT JUSTICE T. RAJANI

CRIMINAL PETITION Nos.3527 and 3529 of 2013

COMMON ORDER:

Since the petitioners and the cause of action being the same, the criminal petitions are disposed of by this common order.

2. The criminal petitions are filed seeking quash of proceedings against the petitioners, who are A3 and A5 respectively, in CC.Nos.20 and 19 of 2007 on the file of the Metropolitan Sessions Judge, Nampally. The offences alleged are under Sections 406, 420, 477 and 120-B of the Indian Penal Code and Section 5 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act.

3. Heard the counsel for the petitioners and the learned Public Prosecutor, appearing for the first respondent.

4. The counsel for the petitioner submits that by virtue of the orders in CRLP.Nos.3053 and 3055 of 2008 dated 30.08.2010 this Court quashed the proceedings against A1 in respect of the offence punishable under Section 5 of the of the Andhra Pradesh Protection of Depositors of Financial Establishments Act. He only seeks this Court to extent the same benefit to the petitioners herein.

5. A1 is the chairman of the bank against which the offences are alleged while the petitioners herein are only the directors. Hence, considering that when the allegation with regard to Section 5 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act is not attracted against the prime accused, this Court opines that further proceedings can be quashed against the

petitioners also so far as the offence under Section 5 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act is concerned.

In the result, the criminal petitions are allowed in part and the proceeding against the petitioners, who are A3 and A5 respectively, in CC.Nos.20 and 19 of 207 on the file of the Metropolitan Sessions Judge, Nampally, are hereby quashed so far as the offence under Section 5 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act is concerned and the prosecution of the petitioners in respect of other offences shall continue. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

November 28, 2018
DSK



T. RAJANI, J