

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2159 of 2013

ORDER:

This criminal petition is filed, seeking for quash of the proceedings in Cr.No.967 of 2012, against the petitioner, on the file of the Station House Officer, Panjagutta Police Station, Hyderabad. The offences alleged are under Sections 465 and 420 of the Indian Penal Code.

2. Heard the counsel for the petitioner, the counsel for the first respondent and the learned Public Prosecutor, appearing for the second respondent.

3. The complaint is filed by the first respondent against M/s. Andhra Bank stating that he is Managing Partner of one Srusti Infotech, which is the absolute owner of the premises known as Cyber Gateway at Madhapur, Hitech City, Hyderabad. The firm purchased the aforesaid property from M/s. L&T Infocity Limited under a registered sale deed dated 19.03.2005. The Andhra Bank, Banjara Hills Branch sanctioned advanced against future rent receivables on 28.03.2005. Later, the bank rescheduled the loan account and after that the officials made them to execute one undertaking related to the aforesaid rescheduled document without date. On 01.09.2012, the bank also dispatched one more document dated 31.03.2009. On verification of the copies of the documents filed by the bank the complainant found the aforesaid undertaking at Page No.59, which clearly exhibits that the bank officials without their knowledge and

consent manipulated the document by inserting the hand written date as 05.12.2005. Hence, necessary action was sought for.

4. The counsel for the petitioner submitted lengthy arguments regarding the merits of the case and that the petitioner is not responsible for any of the allegations made in the complaint.

5. The counsel for the respondent draws attention of this Court to column No.7 of the FIR wherein no name is mentioned and he contends that the respondent never made any complaint against the petitioner herein and that his complaint was only that the said date was fabricated and manipulated. He further submits that the respondent never mentioned the names of the persons, who were responsible for the same and the petitioner is not shown as an accused in the FIR.

6. The counsel for the petitioner submits that the police have called upon the petitioner to furnish some documents.

7. The aforesaid act of the police cannot be termed as an act made in order to show the petitioner as an accused. It is possible that as part of investigation, the police might have required the petitioner to produce some documents. Hence, this Court opines that this petition is premature and that the petitioner does not have any cause of action to maintain this petition.

In the light of the above, the criminal petition is dismissed. It is, however, made clear that the petitioner can avail this remedy, under Section 482 CrPC, if he is figured as accused in the course of

investigation. The interim stay granted on 15.03.2013 and extended on various occasions shall stand vacated. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

September 7, 2018
DSK

T. RAJANI, J

