

THE HON'BLE SMT JUSTICE T.RAJANI

CRIMINAL PETITION NO.2844 OF 2010

ORDER:

This Criminal Petition is filed by the petitioner-A2 under Section 482 Cr.P.C. seeking to quash the proceedings in C.C.No.381 of 2007 on the file of the Judicial Magistrate of I Class, Yellandu, Khammam District.

2. Heard the learned counsel for the petitioner-A2 and the learned Public Prosecutor appearing for the 2nd respondent-State. None appears for the 1st respondent in spite of notice.

3. Notice sent to the 1st respondent was returned with an endorsement that he died. The learned Public Prosecutor on instructions reports that the de facto complainant and A1 in this case died.

4. The allegations made in the complaint are that the complainant gave Rs.30,000/- to A1 on his promise that he would get him sanctioned the Freedom Fighters Pension and A1 made the complainant to give Rs.30,000/- to this petitioner.

5. Learned counsel for the petitioner-A2 draws attention of this Court to the order in W.P.No.4766 of 1998, dated 02.03.1998, which is to the effect that already instructions were issued to the Union of India and its functionaries as to how to deal with such applications in W.P.No.1070 of 1998, dated 11.02.1998.

6. Even from the allegations made in the complaint, no case can be made out against the petitioner, as he is only an Advocate, who has filed the writ petition on

the instructions of A1 and there is no element of cheating. Hence, it is considered that continuation of proceedings against the petitioner-A2 would be only a futile exercise.

7. Therefore, the Criminal Petition is allowed quashing the proceedings in C.C.No.381 of 2007 on the file of the Judicial Magistrate of I Class, Yellandu, Khammam District. Miscellaneous petitions, if any pending, in this petition shall stand closed.

DATED: 20-08-2018.
Hsd

T.RAJANI, J

