

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.13711 OF 2013

ORDER:

This petition is filed by the petitioners, who are A2 to A4 respectively, seeking to quash the proceedings in C.C.No.39 of 2013 on the file of the court of II Additional Chief Metropolitan Magistrate, Hyderabad. The offences alleged are under Sections 471, 468, 419 and 420 r/w 34 IPC.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the 1st respondent. None appears for the 2nd respondent in spite of notice.

3. The counsel for the petitioners contends that, in fact, the complaint itself discloses that the cheques were issued in the name of Govinda Raju and hence, no benefit can be gained by forging the signatures of the cheques. But the allegations are that the cheques were encashed by impersonating the said Govinda Raju. Learned counsel further submits that Govinda Raju has given the statement stating that he has received the amount for all the three works that were entrusted to him. Enquiry was conducted and the enquiry report forms the basis for this complaint. He further submits that the conclusions in the said enquiry report would show that the report was given in the name of some anonymous persons and the said persons did not attend the enquiry and said Govinda Raju also not attended the enquiry.

4. But the conclusions drawn by the Commissioner in the enquiry report would show that after verification of the bills, one P.Venkateswara Rao had certified the signatures of Govinda Raju for final payment of lump sum bills. It was observed that Govinda Raju is well known to P.Venkateswara Rao as he himself counter signed the bills of Govinda Raju, Contractor.

5. Hence, when such are the allegations and when the Commissioner proceeds to file the complaint without believing the enquiry report, this court opines that a detailed trial is required to be done in the matter and it is not safe to quash the proceedings at this stage.

6. With the above observations, the Criminal Petition is dismissed. Interim stay granted by this court on 21.11.2013 in this petition shall stand vacated.

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

T.RAJANI, J

December 4, 2018
LMV