

SMT. JUSTICE T.RAJANI
CRIMINAL PETITION No.13170 of 2013

ORDER:

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in Cr.No.154 of 2013 of Central Crime Station, DD, Hyderabad District, registered for the offences under Sections 420, 406, 120-B read with Section 34 IPC, against the petitioners/A6 to A9.

2. Heard learned counsel for the petitioners, learned Public Prosecutor for the first respondent-State and learned counsel for the second respondent.

3. The allegations in the complaint are that A1 had transaction with the de-facto complainant in respect of the land in Guntur and he assured the de-facto complainant that he would arrange the loan of Rs.40 Crores with 4-5% interest and he obtained huge amount from the de-facto complainant in the form of cash and cheques. Later, it is noticed that A1 had misappropriated the amount for various purposes. The petitioners are wife, brother-in-law, daughter and son of A1. The allegation is that A1 used an amount of Rs.1 Crore, for donation, for obtaining seat in Medicine, to his daughter.

4. On the face of the complaint, it can be understood that the petitioners have not played any role in the alleged misappropriation made by A1. Simply because, A1 used the amount for the benefit of the petitioners, without there being any role of the petitioners, they cannot be held responsible.

5. Hence, in view of the above, this Court finds that continuation of proceedings against the petitioners/A6 to A9 would only be an abuse of process of the Court.

6. Accordingly, the Criminal Petition is allowed, quashing the proceedings in Cr.No.154 of 2013 on the file of Central Crime Station, DD, Hyderabad District, against the petitioners/A6 to A9. Miscellaneous applications, if any, pending in this criminal petition shall stand dismissed.

14th November, 2018

sj

T. RAJANI, J

