

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.11089 of 2018

ORDER :

The *de facto* complainant is the District Manager, since retired from service, served failed to attend.

2. Heard learned counsel for the petitioner/accused in C.C.No.264 of 2017 on the file of the I Additional Judicial Magistrate of First Class, Miryalguda, and the learned Public Prosecutor, representing the State/1st respondent. Crime No.158 of 2014 was registered on the report of the *de facto* complainant/2nd respondent supra, dated 13.11.2014, for the offences punishable under Sections 420, 465, 468 and 471 IPC against the petitioner as sole accused and police after investigation filed the final report.

3. The sum and substance of the accusation is that the petitioner is aware of the so-called forged authorization of her from its use as if genuine in encashment of the amount of security deposit of Rs.6,00,000/- from the department by K.Venakta Chary, who in collusion with G.Madhusudhan, from the fact that the said G.Madhusudhan was the contractor and the petitioner's late husband V. Karunakar worked as a clerk under the said G.Madhusudhan and he applied for tenders for the supply of the paddy and transport as if he got lorries and he quoted the lowest amount and he met with death meantime in a road accident, ultimately the petitioner/accused herein applied for continuation and it was not considered, she filed a writ petition that was also later withdrawn.

4. Earlier case filed on her report against G.Madhusudhan and K.Venakta Chary in C.C.No.1033 of 2012 out come of her report registered as F.I.R.No.34 of 2010, dated 22.08.2010, from the investigation and case ultimately ended in acquittal and said Pavani, the petitioner/accused herein, deposed as PW.1 in the earlier case C.C.No.1033 of 2012, either for registration of the present case and even for a matter of investigation from the ultimate investigation and filing of charge sheet to take cognizance or to frame charge. There is no basis against Pavani as it is her whole case from the beginning of K. Venkata Chary and G.Madhusudhan created a forged document as if she authorized in withdrawal of the amount and she did not issue that authorization and she is entitled to the deposit amount of her husband. Once such is the case, none of the offences under Sections 420, 468, 465 and 471 IPC attracts against her to take cognizance by the learned Magistrate in the present case for not the case that she signed the authorization and pretended as if a forged one in filing the case against K. Venakta Chary and G. Madhusudhan and not even a case that the authorization on which the amount paid to K. Venkata Chary was with her signature and it was her false contest and false giving of evidence. Having regard to the above the proceedings no way survives to continue.

5. Accordingly, the criminal petition is allowed quashing the proceedings against the petitioner/accused in C.C.No.264 of 2017 on the file of the I Additional Judicial Magistrate of First Class, Miryalguda. The bail bonds of the petitioner/accused, if any, shall stand cancelled.

Miscellaneous petitions pending, if any, in the criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

26th November 2018.

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