

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.680 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused seeking to quash the proceedings in C.C.No.327 of 2017 on the file of I Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, wherein he was prosecuted for the offences punishable under Sections 406 and 409 I.P.C.

2. Heard the learned counsel for the petitioner/accused and the learned Additional Public Prosecutor appearing for the 1st respondent-State. In spite of service of notice, none appeared for the 2nd respondent-*de facto* complainant. Perused the record.

3. Learned counsel for the petitioner/accused would submit that the petitioner/accused had committed some irregularities with regard to deposit of money to Provident Fund Account, which was deducted from the salary of his co-employees. However, he submits that those amounts were paid after filing of the charge sheet and ultimately, prayed to quash the proceedings in the aforesaid Calendar Case.

4. As per the material placed on record, the petitioner/accused deducted an amount of Rs.27,38,686/- from the salary of co-employees for the period from July, 2014 to May, 2015, towards share of their contribution to Provident Fund, but failed to deposit the same in the Provident Fund

Account. The contention of learned counsel for the petitioner/accused is that the petitioner has deposited the amount in the Provident Fund Account after filing of charge sheet. Under these circumstances, at this stage, it cannot be said that there are no merits in the case. Committing irregularities and thereafter depositing money in the Provident Fund Account certainly makes out a case for trial. Under these circumstances, proceeding with trial of the case against the petitioner/accused in the subject Calendar Case cannot be an abuse of process of law. There are no merits in the petition

5. Accordingly, the Criminal Petition is dismissed.

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

MARCH 27, 2019
YVL

Dr. SHAMEEM AKTHER, J

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Date:27.03.2019

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