

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5395 of 2019

ORDER :

This Criminal Petition is filed by the petitioner, who is A.4, under Section 482 of Cr.P.C. to quash the Charge Sheet in C.C.No.154 of 2012 on the file of XII Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offences punishable under Sections 406, 418 and 420 of IPC.

Heard Sri S. Lakshmikanth, learned counsel for the petitioner/A.4, learned Additional Solicitor General appearing for respondent No.1 – State, and Sri B. Jithender, learned Standing Counsel for Registrar of Companies appearing for respondent No.2. Perused the material on record.

All the contentions raised by the learned counsel for the petitioner relate to disputed questions of fact. This Court has also been called upon to adjudge the testimonial worth of the prosecution evidence and evaluate the same on the basis of various intricacies of factual details which have been touched upon by the learned counsel for the petitioner. The veracity and credibility of material furnished on behalf of the prosecution has been questioned and false implication has been pleaded.

The law regarding sufficiency of material which may justify summoning of the accused and also the Court's decisions to proceed against him in a given case is well

settled. The Court has to eschew itself from embarking upon a roving enquiry into the last details of the case. It is also not advisable to adjudge whether the case shall ultimately end in conviction or not. Only a *prima facie* satisfaction of the Court about the existence of sufficient ground to proceed in the matter is required.

Through catena of decisions rendered by the Hon'ble Apex Court, this legal position has been expatiated upon at length and the law that has evolved over a period of several decades is too well settled. The decisions rendered in the cases of *Chandra Deo Singh v. Prokash Chandra Bose*¹; *Vadilal Panchal v. Dattatreya Dulaji Ghadigaonker*²; and *Smt. Nagawwa v. Veeranna Shivalingappa Konjalgi*³ may usefully be referred to in this regard.

The cases where the allegations made against the accused or the evidence collected by the investigating officer do not constitute any offence or where the allegations are absurd or extremely improbable or impossible to believe or where the prosecution is legally barred or where the criminal proceeding is malicious and *mala fide*, instituted with an ulterior motive of grudge and vengeance alone may be fit cases for the High Court in which the criminal proceedings may be quashed. The Hon'ble Apex Court in *State of Haryana vs. Bhajan Lal*⁴ has recognized certain categories in

¹ AIR 1963 SC 1430

² AIR 1960 SC 1113

³ 1976 (3) SCC 736

⁴ (1992) SCC (Cr.) 426

which Section 482 Cr.P.C. or Article 226 of the Constitution of India may successfully be invoked.

In view of the settled principles of the above case laws, this Court has adverted to the entire case record. The submissions made by the learned counsel for the petitioner call for adjudication on pure questions of fact, which may adequately be adjudicated upon only by the trial Court and while doing so, even the submissions made on points of law can also more appropriately be gone into by the trial Court in this case. This Court does not deem it proper and, therefore, cannot be persuaded to have a pre-trial before the actual trial begins. It shall suffice to observe that the perusal of the F.I.R. and the material collected by the investigating officer, on the basis of which the charge sheet has been submitted, make out a *prima facie* case against the accused at this stage and there appear to be sufficient ground for proceeding against the accused. I do not find any justification to quash the charge sheet or the proceedings initiated against the petitioner as the case does not fall in any of the categories recognized by the Apex Court which may justify their quashing.

Looking into the nature of allegations, no indulgence can be granted to the petitioner/A.4. Prima facie, there are specific allegations made against the petitioner, which have to be looked into by the trial Court during the course of trial and hence the charge sheet cannot be quashed at this stage.

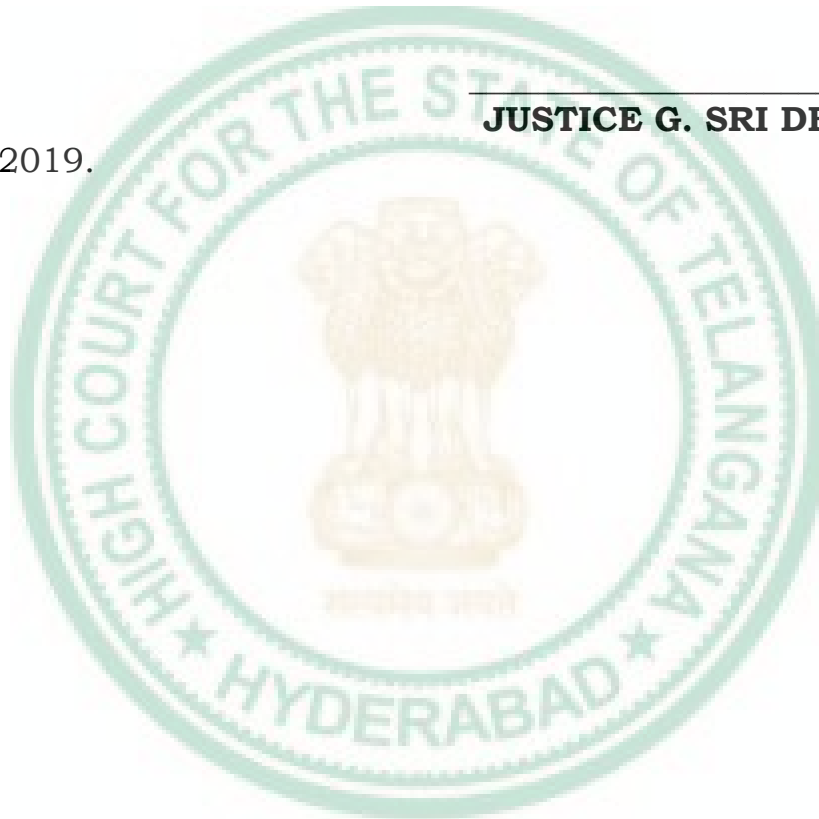
Accordingly, the prayer for quashing of charge sheet is refused.

Accordingly, this Criminal Petition is dismissed. The trial Court is directed to conclude the trial in C.C.No.154 of 2012 as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

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

29.08.2019.
Msr

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