

JHON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.5164 of 2018

ORDER:

1. This Criminal Petition is filed under Section 482 of Cr.P.C seeking to quash the proceedings in CC No.398 of 2017 pending on the file of XII Metropolitan Magistrate, Hyderabad.

2. The petitioners are A7, A9 and A10 and they are employees of Greater Hyderabad Municipal Corporation. The allegation against these petitioners is that they have colluded with the contractors, who are A1 to A4 and caused loss to the GHMC. The *modus operandi* adopted amongst the accused GHMC employees and the other accused contractors is that the contractors used to fabricate weigh bridge receipts and the same were entered in the measurement book by these petitioners and money was claimed from the department. The details of vehicle numbers mentioned in the Weigh bridge bills did not exist and the other details are also incorrect.

3. Learned counsel for the petitioners appearing for the petitioners would submit that false allegations are made against these petitioners and in fact, the bills raised by the contractors/A1

to A4 were not paid, for which reason, the offences alleged against these petitioners cannot be maintained and accordingly, the proceedings have to be quashed.

4. The allegation against these petitioners is that fake weigh bridge receipts were fabricated by the contractors/A1 to A4 and these petitioners, having knowledge about the fabrication of such weigh bridge receipts, have entered the details into the measurement book, enabling the contractors to claim the amounts.

5. There cannot be a mini trial to assess at this juncture whether the acts committed by the petitioners attract any penal consequences or not, whether the amounts claimed were provided to the contractors or not, are all subject matters of trial. Admittedly, according to the prosecution, fake weigh bridge receipts were handed over to these petitioners and these petitioners have entered the said details in the measurement book for percentage to be taken from the amounts claimed from the GHMC. These allegations require full-fledged trial as prima-facie case is made out and the proceedings at the threshold cannot be quashed.

6. Accordingly, the Criminal Petition is dismissed.

Date: 01.11.2022
kvs

K.SURENDER, J

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