

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 966 OF 2023

Between:

Erukonda Munishwar, S/o. Sri Erukonda Sadaiah, aged about 31 years, Occ Business, R/o. Plot No.649, Flat No.202, Sri Sai Nilayam, Near HMT Hills Ramalayam, KPHB Colony, Hyderabad 500085

...PETITIONER/ACCUSED No.4

AND

1. State of Telangana,, Rep. by its Public Prosecutor, High Court for the State of Telangana, at Hyderabad
2. Mr. Ravi Sreekanth,, S/o. Ravi Apparao, Aged about 37 years, Occ Private Employee, R/o. Flat No.301, C-Block, Mathrubhumi Pearls, Mahadevapuram, Near Mahadevapuram Wines, Jeedimetla, Hyderabad.

...RESPONDENTS/DEFACTO COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings in Crime No.1045 of 2022, on the file of the Station House Officer, KPHB Colony Police Station, Cyberabad, for the offences under Sections 406, 420 read with Section 34 of IPC and Section 5 of the T.S. Protection of Depositors of Financial Establishments Act, in so far as petitioner herein (Accused No.4) is concerned

I.A. NO: 2 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings in Crime No.1045 of 2022, on the file of the SHO, KPHB Colony Police Station, Cyberabad, including personal appearance in so far as the petitioner herein (Accused No.4) is concerned, Pending disposal of the above Quash Petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri A.Muneendhar Reddy, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No. 2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.966 OF 2023

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused No.4 to quash the proceedings against him in FIR No.1045 of 2022 on the file of Station House Officer, KPHB Colony Police Station, Cyberabad, registered for the offences punishable under Sections 406 and 420 read with Section 34 of Indian Penal Code and Section 5 of Telangana State Depositors of Financial Establishments Act.

2. Heard learned counsel for the petitioner – Accused No.4 and learned Additional Public Prosecutor for the respondent No.1 – State. Perused the material on record.

3. The main ground on which the learned counsel appearing for the petitioner would submit that this petitioner has nothing to do with the Accused No.1 company in question.

4. Since the directors are made vicariously liable, in the present case, the Investigating Officer in FIR No.1045 of 2022 is directed to proceed with the investigation against the petitioner after ascertaining his role in the company and also consider the fact that he ^{is} ~~has~~ no way associated with the company.

5. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

Sd/-V.KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IV Additional Junior Civil Judge cum XV Additional Metropolitan Magistrate, Kukatpally, Cyberabad.
2. The Station House Officer, KPHB colony Police Station, KPHB colony, Cyberabad
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Sri A. Muneendhar Reddy, Advocate [OPUC]
5. Two CD Copies

plp

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HIGH COURT

DATED:31/01/2023

ORDER

CRLP.No.966 of 2023



DISPOSING OF THE CRIMINAL PETITION

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[Signature]
02/02/2023