

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 2137 OF 2022

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner/A17 to quash the complaint filed by the 2nd respondent vide FIR No.81/2013 on the file of the XII Additional Chief Metropolitan Magistrate Court, Nampally, Hyderabad. The offence alleged against the petitioner/A17 is under Sections 406, 409, 420, 182 r/w.120(B of the Indian Penal Code.

2. Heard. Perused the record.

3. The case against this petitioner is that he was one of the Directors when the misappropriation amounting to Rs.12,83,08,152/- had taken place in the Society, -.

4. Learned counsel for the petitioner would submit that this petitioner has nothing to do with the alleged misappropriation. Further, an enquiry was made in accordance with the A.P.Co-operative Societies Act, however, the said enquiry report was made beyond the prescribed minimum period of 120 days, for the said reason, when the present complaint is on the basis of

the enquiry report which was not filed in accordance with the A.P.Co-operative Societies Act, the proceedings against this petitioner have to be quashed.

5. On the other hand, learned Additional Public Prosecutor submits that there is an allegation of criminal misappropriation against this petitioner while he was a Director of the said society.

6. Since the allegation is that this petitioner was responsible when the alleged misappropriation had taken place and for the reason of pending investigation, this Court deems it appropriate to dismiss the application. However, the petitioner is at liberty to move this Court in the event of the charge sheet being filed.

7. Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 07.02.2023
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Dt. 07.02.2023

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