

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

**WEDNESDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 3095 OF 2015

Between:

CH. Rajeev Kumar Gupta, PUNJAB STATE, S/o.Ch.Nihal Chand Gupta R/o.
H.No.2-97/2 Bharathnagar, Ludhiana, Punjab State

...Petitioner/Accused

AND

1. The State Of Telangana, Rep. by its Public Prosecutor Through P.S. Madhapur
2. M/s. Karvy Computershares Pvt.Ltd., No.8-2-586, 4th Avenue, Street No.1 Road No.10, Banjara Hills Hyderabad - Rep. by its Asst.General Manager Rajesh P. Menon, S/o.M.Chandrasekhar Aged 42 years

...Respondent/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 C.C.No.449 of 2014 pending on the file of IX MM, Kukatpally at Miyapur, Cyberabad in so far as the petitioner is concerned.

I.A. NO: 1 OF 2015(CRLPMP. NO: 3290 OF 2015)

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 grant stay of all further proceedings including the appearance of the petitioner herein in C.C.No.449 of 2014 pending on the file of IX MM, Kukatpally at Miyapur, Cyberabad, pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri G POORNASRI, Advocate for the Petitioner and Sri.NIZARATH ALI the Assistant Public Prosecutor (TG) on behalf of the Respondent No.1 and None appeared for the Respondent No.2

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL PETITION NO.3095 OF 2015

ORDER :

This Criminal petition is filed under Section 482 of Criminal Procedure Code (for short 'Cr.P.C.') by the petitioner/accused seeking to quash the proceedings in CC No.449 of 2014 on the file of the learned IX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad in so far it relates to the petitioner.

2. Heard Ms.Vedula Chitrlekha, learned counsel representing on behalf of Smt.G.Poornasri, learned counsel for the petitioner and Sri Vizarith Vali, learned Assistant Public Prosecutor, representing learned Public Prosecutor for the State/1st respondent. None appeared for the 2nd respondent.

3. The main accusation against the petitioner, made by the 2nd respondent, through complaint dated 24.01.2013 with PS, Madhapur, is that due to the malfunctioning/error in their computer system an amount of Rs.38,28,359.70 paise stood wrongly credited to the account of the petitioner bearing No.00341000296943 with HDFC Bank, Ludhiana and inspite of repeated requests, the petitioner did not return the same. Basing on the said complaint, the police of Madhapur registered Crime No.64 of 2013 dated 24.01.2013 for the offence punishable under Section 420 IPC and proceeded with the investigation

and laid charge-sheet on 25.11.2014 before the learned IX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, which was numbered as CC No.449 of 2014.

4. Learned counsel representing on behalf of learned counsel for petitioner tried to draw the attention of this Court to a case lodged by the 2nd respondent herein representing through Sri P.Rajesh P.Mannan, S/o.Sh.Chander Shekhar with Police Station, Division No.5, Ludhiana, registered as Crime No.271868 dated 30.01.2013 vide Memo No.102-5-C/D/5, dated 06.02.2013 with similar nature of allegation of wrong credit of sums due to computer error in favour of the petitioner herein. She would submit that the said case, after enquiry, was closed by the concerned police stating that the matter was civil in nature and accordingly, no action has been initiated against the petitioner herein. She further contended that the present case also stands on the same footing and is liable to be closed being civil in nature. She also contended that it is not a case where the 2nd respondent was lured or induced or instigated to deposit the money with the petitioner. The 2nd respondent has deposited the money into the account of the petitioner out of an earlier business transaction between them. She also stated that there are no ingredients to attract the offence punishable under Section 420 IPC against the petitioner.

5. On the other hand, learned Assistant Public Prosecutor would submit that the said Crime No.64 of 2013 has been enquired into and after thorough investigation, charge-sheet has been filed vide CC No.449 of 2014, pending on the file of the learned IX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad and that unless and until full-fledged trial is being conducted and without examination of witnesses the truth will not come out. Further, huge amounts have been credited to the account of the petitioner resulting in financial loss to the 2nd respondent. Due to pendency of this criminal petition and dispensing with the appearance of the petitioner, the trial before the Court below is stalled.

6. This Court, having recorded the submissions made by learned counsel for the petitioner and the learned Assistant Public Prosecutor, is of the considered view that trial would reveal the truth or otherwise of the allegations levelled against the petitioner. Therefore, this Court is not inclined to grant the relief sought for by the petitioner in this petition. However, the presence of the petitioner before the Court below is dispensed with unless and until his presence is required by the Court below in CC No.449 of 2014.

7. With the above observations, this criminal petition is disposed of. Miscellaneous applications, if any, pending in this criminal petition, shall stand closed.

SD/- B. CHANDRA PRAKASH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad.
2. The Station House Officer P.S. Madhapur, Cyberabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT].
4. One CC to SRI. G POORNASRI, Advocate [OPUC].
5. Two CD Copies

ANV/JAK

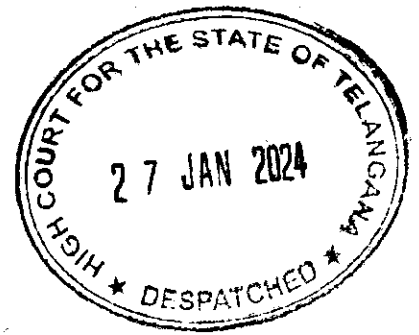
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HIGH COURT

DATED:23/08/2023

ORDER

CRLP.No.3095 of 2015



DISPOSING OF THE
CRL PETITION

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