

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Criminal Petition No.10761 of 2014

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioners/A.4, A.8 to A.14 are seeking quashment of the proceedings in FIR No.221 of 2014 on the file of S.H.O, Taluk U.P.S, Kurnool.

2) The facts are thus:

a) The complainant lodged a private complaint before the learned Judicial Magistrate of First Class, Kurnool against 14 accused who are the Chairman and staff of Sri Chaitanya Educational Institutions, Kurnool alleging that his daughter—Sri D. Vyshanavi Sastry studied 1st year Bi.PC at Vijayawada in Chaitanya college and the complainant paid Rs.55,000/- as academic fees at Vijayawada and later due to personal reasons she was shifted to Kurnool for continuing 1st year study in one of the branch colleges of Sri Chaitanya institution situated at Pasupala road, Kurnool and at that time the complainant paid Rs.30,000/- at Kurnool. His daughter completed 1st year with good marks.

b) The further case of complainant is that in the month of April, 2014, complainant paid Rs.15,000/- towards fee. Though there was balance fee left over, still there was time for payment. However, on the night of 08.04.2014 at about 11:15 pm, all the accused highhandedly and forcibly thrown away the

complainant and his daughter from the college premises with an ulterior motive, inspite of complainant's request that the complainant had already paid Rs.55,000/- at Vijayawada college and balance amount has to be adjusted here and that his vehicle condition was not good and vehicle tyre was bursted and he would take his daughter on the next day morning. The complainant's grievance is that the high-handed act of the administrative staff of Sri Chaitanya institution amount to offences under Sections 354, 384 and 420 IPC. Learned Magistrate forwarded his complaint to Taluk U.P.S, Kurnool under Section 156(3) Cr.P.C. The police registered F.I.R under Section 420 r/w 34 IPC and the matter is under investigation.

Hence the Criminal Petition.

- 3) Heard both sides.
- 4) Learned counsel for petitioners submitted that petitioners-institution has not collected any high fees in arbitrary manner as against the norms prescribed by the Educational Authorities and sofaras the incident is concerned, the complainant wanted to leave his daughter in the college when it was closed during the summer vacation and only coaching was undergoing for EAMCET classes of the Second year students. Hence the staff over there requested the complainant to take his daughter as there were no students in the hostel to stay with the girl and for that the complainant misunderstood as if the staff was refusing entry of the girl for non-payment of the fee etc., and

unnecessarily made a galata. Learned counsel submitted that in the above circumstances, continuation of the proceedings would amount to abuse of process of law and hence FIR may be quashed.

5) Opposing the petition, learned counsel for respondent submitted that the institution has been collecting high fees without giving set off to the fees already paid with their sister institution and on the ground of shortage of fees they inhumanly necked out the complainant and his daughter from the college during the night time causing much annoyance to them and therefore, the petitioners do not deserve quashment of the proceedings.

6) As can be seen from the complaint allegations and the submissions of both sides, whether the authorities have highhandedly behaved with the complainant and his daughter in the middle of the night of 08.04.2014 is a question of fact and the same can be better appreciated only after a thorough investigation by the police. So in the interest of justice, the investigation shall be continued to its logical end. However, having regard to the facts of the case and that the accused are the staff of the educational institutions and there is no possibility of their absconding, the police can be directed not to arrest the accused pending investigation.

7) In the result, this Criminal Petition is ordered as follows:

The investigation in FIR No.221 of 2014 on

the file of Taluk UPS, Kurnool shall continue to its logical end and the police are directed to complete the investigation expeditiously. The petitioners/A.4, A.8 to A.14 are directed to cooperate with the Investigating Agency for smooth completion of investigation. The police shall not arrest the petitioners/A.4, A.8 to A.14 pending investigation.

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

U. DURGA PRASAD RAO, J

Date: 24.12.2014

SCS