

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5852 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioners/A1 to A30 in Crime No.268 of 2013 on the file of the Station House Officer, Wadapalli Police Station, Nalgonda District registered for the offences punishable under Sections 420 and 409 IPC.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioners are A1 to A30 and the second respondent is *de facto* complainant in Crime No.268 of 2013. As per the allegations made in the complaint, the petitioners have misappropriated the funds of the Government to a tune of Rs.20,72,173/- allotted for the works under Mahatma Gandhi National Rural Employment Guarantee Scheme. The contention of the learned counsel for the petitioners is that the petitioners are no way responsible for misappropriation of the funds in view of G.O.Ms. No.15, dated 31.10.2014. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab**^[1], **State of Haryana v. Bhajan Lal**^[2], **V.Y.Jose V State of Gurajat**^[3] and **Teeja Devi v. State of Rajasthan**^[4], I am of the considered view

that this is not a fit case to quash the criminal proceedings at the threshold.

6. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. A perusal of the record reveals that this court granted interim stay of arrest of petitioners on 03.07.2015, which was extended on 12.8.2015 and 09.10.2015. Having regard to the facts and circumstances of the case and also in view of the orders of this court dated 03.7.2015, 12.8.2015 and 09.10.2015, the Station House Officer, Wadapalli Police Station is hereby directed not to arrest the petitioners/A1 to A30 till completion of the investigation in Crime No.268 of 2013.

7. With the above direction, Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

December 11, 2015.
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[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)