

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No.3585 of 2015

ORDER:

This criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') by the petitioners, who are arraigned as accused Nos.1 and 2 in Crime No.7 of 2015 of Allapally Police Station, Khammam District, seeking to quash the proceedings in the said crime registered for the offences punishable under Sections 409, 420, 477(a) I.P.C.

2. The facts, as revealed from the F.I.R., would show that the 2nd respondent herein, in his official capacity as Deputy Executive Engineer (H) Pinapaka, has submitted a report to the police, on the instructions of District Collector of Khammam basing on the report of the Project Director, APMIP, Khammam and even prior thereto basing on the news item published in 'Andhra Jyothi' daily newspaper, that the petitioners herein alleged to have been involved in misappropriation of Rs.25,10,330/- in relation to Indiramma Housing Programme in Allapadu, Ananthoggu and Markodu villages of Gundala Mandal, Khammam District, naming the petitioners herein, who are the Deputy Executive Engineer (Housing) of Kothagudem and Assistant Engineer (Housing) of Yellandu, Khammam District. Certain details have been mentioned in the complaint also stating that the value of work done in the sites without construction of houses where the amount was released or the excess amount was released over and above the value of work done naming the petitioners specifically in the F.I.R. herein.

3. Heard both sides.

4. Learned counsel for the petitioners contends that the report submitted by the Project Director dated 14.03.2013 does not indicate anything so far as the petitioners are concerned, and, in its last paragraph, it was concluded that on his

enquiry, the villagers have reported that taking advantage of this, press reporters are blackmailing beneficiaries and officials, and, therefore, he submits that there are no specific details forthcoming even in the report of the Project Director to connect the petitioners with their complicity in commission of the alleged offences.

5. Learned Additional Public Prosecutor resisted the request contending that it is not a fit case where the exercise of power under Section 482 of the Code can be resorted, and, in fact, it is misappropriation of public funds and the names of petitioners are specifically shown in the F.I.R. involving them in the so-called release of amounts over and above the value of the work done and even where the construction was not done.

6. As seen from the material on record, the Collector, even directed the enquiry to be conducted not accepting the report of the Project Director, the said reports are not placed in the file by the petitioners, though, the F.I.R. relates to the year 2013. It is stated by the learned counsel for the petitioners that the petitioners are still functioning as Deputy Executive Engineer and Assistant Engineer. In such an event, the police are directed not to arrest the petitioners-accused Nos.1 and 2 in Crime No.7 of 2015 of Allapally Police Station, Khammam District, till the investigation is done and the petitioners shall cooperate with the investigating agency by appearing before them, as and when required, for completion of investigation.

7. With the above directions, the criminal petition is disposed of.

8. As a sequel thereto, miscellaneous petitions, if any pending in this petition, shall stand closed.

A. SHANKAR NARAYANA, J

28th April, 2015

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