

HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

CRIMINAL PETITION No.2950 OF 2015

ORDER:

This application is filed under Section 482 Cr.P.C., to quash the proceedings in FIR in Crime No.26 of 2015 on the file of the Nizampatnam Police Station, Guntur District.

The allegation against the petitioner is that the petitioner was employed as a Technical Assistant in Nizampatnam Mandal and had misappropriated Rs.10,64,245/- by making excess measurements in NREGS contract works by colluding with the field functionaries and had also executed certain works without obtaining permission from the concerned authorities. Complaint to this effect was lodged by the 2nd respondent against the petitioner referring to a social audit third round report dated 17.02.2012.

It is settled law that only if allegations made in FIR or the complaint taken at their face value and accepted in their entirety do not *prima facie* constitute any offence or make out a case against the accused, power under Section 482 Cr.P.C. can be exercised. (See **State of Haryana v. Bhajan Lal**).

Since *prima facie*, allegations in the complaint taken at their face value do make out a case against the petitioner, I am of the opinion that it is not a fit case to exercise power under Section 482 Cr.P.C., to quash the impugned FIR.

Hence, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M.S. RAMACHANDRA RAO, J

April 20, 2015.

KTL