

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.30439 OF 2014

Date:22.01.2015

Between:

Vidyanjali Educational Society,
Rep., by its Secretary and
Correspondent Sri A. Vinay Kumar
Reddy and another .. Petitioners

And

The Sate of Andhra Pradesh,
Rep., by its Principal Secretary,
Home Department, Secretariat
Buildings, Hyderabad and others .. Respondents

THE BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.30439 OF 2014

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Home appearing for the respondents.

The grievance of the petitioners is that the complaint, dated 19.01.2014, filed by them has not been taken into consideration and no F.I.R. is registered though the petitioners have alleged that the funds of an Educational Society were allegedly misappropriated by the then Principal. The 2nd petitioner submits that he is the Secretary and Correspondent of the Educational Society and the In-charge Principal has misappropriated the amounts of the Society, which are brought to the notice of the Station House Officer, the 3rd respondent herein, by way of a complaint and even then no F.I.R. is registered and no investigation is taken up.

Learned Government Pleader for Home, who has received instructions, submits that the said Educational Society was registered in the year 2001 and the said society is running Junior, Degree and Post Graduate Colleges and alleging that the then Principal misappropriated a sum of about Rs.57.00 lakhs inclusive of the amounts withdrawn by the bank, the present complaint was filed by the petitioners. However, the said Principal has already lodged three different F.I.Rs., against the Secretary and Correspondent and others which are the subject matter of Crime Nos.48, 71 and 72 of 2013

before the 3rd respondent Police Station, which are pending. He also submits that in W.P.No.14756 of 2013, the petitioners obtained interim direction against the Police as well as the said Ex-Principal not to interfere with the affairs of the Society and the Colleges. So far as the present complaint of the petitioners is concerned, it is stated that the presence of the

2nd petitioner is required to record his statement to enable registration of F.I.R., and for that purpose he has not yet appeared before the investigating officer.

During the Course of hearing, learned counsel for the petitioners submits that the 2nd petitioner requires police protection as he expects threat of life. That aspect goes beyond the scope of the present Writ Petition. Hence, the 2nd petitioner is at liberty to make a representation if and when the situation arises.

Since the statement of the 2nd petitioner is required to be recorded to enable the 3rd respondent to take further action on the complaint of the petitioners, the Writ Petition is disposed of permitting the 2nd petitioner to appear before the 3rd respondent and record his statement and thereafter the 3rd respondent shall take appropriate further action on the basis of the petitioners complaint. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V. AFZULPURKAR, J

22.01.2015

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