

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.16243 AND 16244 OF 2016

COMMON ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to quash the proceedings in Crime Nos.59 and 60 of 2016 of Narsimhulapet Police Station, Mahabubabad, registered against the petitioner and others for the offence punishable under Sections 420, 406 read with 34 of Indian Penal Code, 1860 (for short, 'I.P.C.').

In both the petitions, the petitioner is one and the same. She is Assistant Tribal Welfare Officer in the District Tribal Welfare Office, Rangareddy District, who allegedly received Rs.7,000/- from A.1 and A.2 for supplying necessary certificates and forwarding the application under the scheme of Kalyana Lakshmi to the concerned authorities. The case of *de facto* complainant dated 30.04.2016, alleging that the marriage of Janoth Padma was performed with Vankdoth Veeranna long back, they were blessed with children under the age 5 years and 3 years. The benefits under Kalyana Lakshmi scheme were introduced by Telangana State Government with the aid and help of Government Officials and requested to take necessary action against A.1 and A.2 and other Government Officials and annexed several documents to the report.

Learned counsel for the petitioner mainly contended that no specific allegations is made against the petitioner to constitute an offence punishable under Sections 406 and 420 read with 34 I.P.C. and in the absence of any allegation, the investigating agency

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cannot proceed to investigate into the offence punishable under Section 420, 406 read with 34 I.P.C.

No doubt the complaint is silent with regard to the direct involvement of the petitioner, but the allegation made in both the complaints are that some Government officials are also involved in the fraud and requested the Station House Officer to investigate into the crime and find out the Officers, who are responsible, and take action against them. The present case is at crime stage, part of investigation is completed and at this stage, it is difficult to exercise jurisdiction under Section 482 Cr.P.C.

However, the Public Prosecutor drawn the attention of this Court to the Confessional Statement of A.1 and A.2 recorded during investigation by the investigating officer, which disclosed that the petitioner collected Rs.7,000/- from A.1 and A.2 to handover their application under Kalyana Lakshmi Scheme and on payment only she forwarded the application. This allegation clearly on its face value would constitute an offence punishable under Section 420 I.P.C., as she made A.1 and A.2 to demand Rs.7,000/- to do some favour and allowed them to get benefit of Rs.51,000/- under the Kalyana Lakshmi Scheme, though A.1 and A.2 married earlier and blessed with children, such scheme is intended to confer certain benefit on the Tribal, who are poor for their alleviation, but this welfare scheme is being misused by certain Tribal with the help of Officials, and if such person is allowed to scot-free, the entire aim of the scheme would be frustrated on account of fraud committed by the Officials and other persons of the Tribal.

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When the petitioner sought for quashment of the proceedings in Cr.Nos.59 and 60 of 2016, it is her duty to bring to the notice of this Court strong circumstances to quash the proceedings at the threshold of the investigation. But as seen from the serious allegations made in the confessional statements of A.1 and A.2 and the report of Assistant Tribal Welfare officer, it would directly indicates the involvement of Government Officials in such fraud. When the investigating agency conducting investigation to unearth such fraud, this court cannot quash such proceedings at the threshold, as it amounts to interference with the investigation in the crime. Therefore, I find no ground to exercise jurisdiction under Section 482 Cr.P.C. at this stage to quash the proceedings in Cr.Nos.59 and 60 of 2016 against the petitioner.

The counsel for the petitioner further contended that there is no truth in the allegations made in the complaint and in the confessional statement against the petitioner. But the truth in the allegation made against the petitioner cannot be decided while deciding the petition under Section 482 Cr.P.C.

In **Mrs. Dhanalakshmi vs. R. Prasanna Kumar & Ors.**¹ the Apex Court specifically held that wherever any attempt is made to abuse that authority so as to produce injustice, the Court has power to prevent the abuse. It is, however, not necessary that at this stage there should be a meticulous analysis of the case before the trial to find out whether the case ends in conviction or acquittal.

In view of the principle laid down by the Apex Court in **R.PRASANNA KUMAR's** case, the jurisdiction of this court under

¹ AIR 1990 SC 494

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Section 482 Cr.P.C. is limited and this court cannot make any attempt to find out the truth in the allegations made in the complaint while exercising jurisdiction. Therefore, truth or falsity in the allegations made in the petition cannot be accepted at this stage, leaving it open to the petitioner to challenge the same during trial, if any charge sheet is filed after investigation by the investigating agency.

On over all consideration of the entire material on record, I find that it is not a fit case to quash the proceedings in Cr.Nos.59 and 60 of 2016 when there is specific material against the petitioner, consequently the petitioners are liable to be dismissed.

Accordingly, the criminal petitions are dismissed at the stage of admission.

Miscellaneous petitions, if any, pending in these criminal petitions shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 25.11.2016
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