

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2354 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/accused in Crime No.27 of 2016 of Penugonda Police Station, West Godavari District, registered for the offences punishable under Sections 409 and 420 IPC.

Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State.

The Extension Officer, Panchayat Raj and Rural Development, Penugonda Mandal, West Godavari District, who is 1st respondent-de facto complainant herein, has lodged a complaint to the police stating that the petitioner/accused, who was previously worked as Junior Assistant-cum-In Charge Secretary of Penugonda Gram Panchayat, and who is now working as Panchayat Secretary Grade-II of Denduluru Gram Panchayat, has misappropriated public funds of Rs.7,55,806/- sanctioned to the said village, and that he was authorized by the District Collector, West Godavari District, to register a criminal case against the petitioner and also to recover the said amount, the proof of such authority was enclosed to the said complaint. Basing on the said complaint, the crime was registered by the police.

A reading of the material on record would reveal that the complaint never stated about the manner in which the amount was misappropriated, how it caused loss to the Government and also the modus operandi of the petitioner/accused. Nor even the proceedings of the District Collector, West Godavari District, by

which the 1st respondent was authorized to file criminal case, stated about the manner in which the misappropriation of public funds was committed. The truth or otherwise of the contents of the complaint has to be necessarily investigated by the investigating agency, and the same cannot be decided at the threshold. Since huge public funds are involved in the above crime, the question of quashing the proceedings would not arise at this stage. However, the learned counsel for the petitioner/accused submits that the petitioner, being a lady and Government employee, is apprehending of her arrest in view of pendency of the above crime.

Therefore, considering the facts and circumstances of the case and in view of the submissions made by the learned counsel, this Court is of the view that it is not a fit case where the proceedings can be quashed. However, The Penugonda Police, West Godavari District is directed to complete investigation into the crime without arresting the petitioner/accused. The petitioner/accused is directed to appear before the concerned police whenever her presence is required for investigation and to produce relevant records, if any, to substantiate her case. The police are at liberty to file charge sheet into the Court after completion of investigation.

Accordingly, the Criminal Petition is dismissed. Consequently, miscellaneous petitions, if any, pending shall stand closed.

RAJA ELANGO, J

Date: 24-02-2016

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