

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2989 of 2014

ORDER:

This Criminal Petition is filed by the sole accused under Section 482 Cr.P.C., to quash the proceedings in Crime No.71 of 2014 on the file of Abids Police Station, Hyderabad registered for the offences under Sections 403, 406 and 420 IPC.

Heard.

The allegation against the petitioner herein is that the petitioner being member of A.P. State Haj Committee and Coordinator was included in the group of delegates comprising of Minister of Minority Welfare and the then Commissioner of Police, to look after all the arrangements of Haj Pilgrims visiting the Kingdom of Saudi Arabia ('KSA'). For that purpose, the State Government had sanctioned an amount of Rs.4,21,800/- towards the expenditure of the said delegates. Subsequently, it was found that the petitioner herein and the Minister alone travelled to KSA, but the other delegate has not travelled along with them, but however, the total amount sanctioned for the three delegates was utilized. Hence, an explanation was called for from the person in whose favour the cheque was given and, in turn, the said person explained to the Government that he had handed over the said amount for the purpose of travel to the petitioner herein. Thereafter, the Government after careful consideration of the matter and the explanation given by the petitioner and the Minister who travelled with the petitioner and considering the utilization certificate, have ratified the sanction of travel to two persons by memo dated 16.7.2003. However, on 8.3.2014 the second respondent herein lodged a complaint with the police alleging that the amount sanctioned in the year 2000 has not been adjusted till-to-date as per the Audit Report, basing on which, the above crime has been registered.

Admittedly, the entire occurrence took place in the year 2001-2002. Even after the orders are passed by the Government ratifying the sanction to

two delegates on 16.7.2003, the present complaint is lodged in the year 2014. Admittedly, the entire reading of the complaint does not disclose an offence under Section 420 IPC. Further even assuming for a moment that an offence under Section 406 is attracted, the cognizance of the same ought to have been taken within a period of three years. Further the knowledge about the offence came into existence in the year 2002 itself, but whereas, the complaint is lodged in the year 2014. Under these circumstances, the impugned proceedings are liable to be quashed.

In the result, the Criminal Petition is allowed and the proceedings in Crime No.71 of 2014 pending on the file of Abids Police Station, Hyderabad are hereby quashed as against the petitioner herein.

Miscellaneous Petitions filed in this Criminal Petition, if any, shall stand closed.

RAJA ELANGO,J

21.03.2016.

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