

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.No.6717 of 2016

ORDER

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This petition under Section 482 Cr.P.C. is filed by the petitioner/A16 seeking to quash the proceedings in Cr.No.19 of 2015 of Chinthapalli Police Station, Visakhapatnam District, registered for the offences punishable under Sections 409, 468, 471, 420, 120(B) r/w.34 IPC, against him.

2. The Deputy Director, District Treasury, Visakhapatnam, lodged a complaint stating that the Officers concerned had conducted a detailed enquiry for the financial year 2012-13 and the enquiry report revealed that the then employees of Sub-Treasury, Chinthapalli, have conspired with the Medical Department staff, prepared and produced fake bills and sent the Bank, thereby misappropriated huge government money. Based on the complaint, the aforesaid crime was registered against the accused.

3. Learned counsel for the petitioner submits that when the petitioner/A16 and others were working on contract basis, the Medical Department has not paid their salaries due to lack of funds and when the budget was released for the financial year 2012-13, the Sub-treasury deposited an amount of Rs.1,89,772/- towards arrears of salary of contract workers in the account of the petitioner and the same was disbursed by the petitioner to the three employees after obtaining their signatures in the acquittance register

and acknowledgment receipts and he also produced those receipts before the police and thus, the petitioner has not misappropriated any amounts.

4. Though the petitioner alleged that he has produced the acknowledgment receipts issued by the contract workers, truth or otherwise of the allegations made in the complaint can be ascertained by the investigating agency during the course of investigation. Therefore, this Court is not inclined to interfere with the impugned proceedings. However, the police concerned are directed to complete the investigation without arresting the petitioner/A16 and file a final report, if any, in accordance with law. The petitioner/A16 is directed to appear before the investigating agency as and when required and cooperate with the investigating agency.

5. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

RAJA ELANGO, J

28th April, 2016
sj