

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.1013 of 2013

ORDER :

In this petition filed under Section 482 Cr.P.C., the petitioner/ Accused No.5 seeks to quash the proceedings in C.C.No.885 of 2012 on the file of Additional Judicial Magistrate of First Class, Anantapur. The offences levelled against the petitioner and others by the Police, Anantapur II-Town are under Sections 147, 448, 427 r/w. 149 IPC, Section 3(1) of Prevention of Damages to Public Property Act and Section 7(1) of Criminal Law (Amendment) Act.

The allegation is that the accused and some others were working as contract employees in various wings of Government Medical College and Government General Hospital, Anantapur and the contract period of the persons who were holding the said contract was due to expire. So, as per the guidelines of the superior officers, the complainant, who is the Principal of Government Medical College, Anantapur, addressed a requisition vide Memo No.19024/E1/2011-12 to the superior officers and initiated proceedings for calling fresh tenders for vacancies of 233 manpower. To that effect, she obtained a note order from the District Collector, Anantapur and gave press note on 20.02.2012, which was published on 21.02.2012 in 'Eenadu' and 'Sakshi' newspapers. The

date of tender was fixed as 27.02.2012 and it was due to be conducted in the chambers of the Principal, Government Medical College, Anantapur. In the meanwhile, the 233 members, including A-1 to A-5, formed themselves into a society and they staged a *dharna* in front of the Medical College by protesting against the tender. They raised slogans demanding that the Principal should come out and answer to their questions. In response to their call, the complainant came out from her chambers and engaged in convincing them by informing that it was the Government order that she was implementing. During that melee, the accused, under the guise of talking to her, went and poured water and ink in the tender boxes and shifted them to lavatory and went away from the spot. On the complaint given by the complainant, the Police registered a case in Crime No.52 of 2012 and after investigation, laid charge sheet against A-1 to A-5.

Learned counsel for petitioner/Accused No.5 submitted that in the F.I.R., name of Accused No.5 was not there and she has nothing to do with the offence and Police have forcibly implicated the petitioner and therefore, the proceedings against her may be quashed.

The argument of the learned counsel for petitioner cannot be accepted, as F.I.R. is not be all and end all of a case. The Police after investigation having come to know

about the complicity of accused, have laid charge sheet against all the accused including A-5. Therefore, merely because her name was not there in the F.I.R., that cannot be a ground to quash the proceedings. In this matter, charge sheet is already filed and it appears the case is coming up for framing of charges. Hence it is not a fit case to quash proceedings. If the petitioner/Accused No.5 is so advised, she may file appropriate application before the trial Court seeking her discharge taking all the pleas legally permissible to her and if she does so, the trial Court shall dispose of the said application on merits expeditiously.

With the above observation, this criminal petition is dismissed.

Pending miscellaneous applications, if any, shall stand closed.

U.DURGA PRASAD RAO, J

22nd March 2016

ajr