

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.13892 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/accused in Crime No.367 of 2016 of Nellore Rural Police Station, registered for the offences punishable under Sections 408 and 506 I.P.C.

The 2nd respondent / de facto complainant filed report alleging that he worked as Lecturer in the Priyadarshini College of Engineering, Kanuparthipadu Village, Nellore District. The petitioner herein was the Principal of the said college. He alleged that though he worked, from November, 2015 to May, 2016 and for a period of fifteen days in June, 2016, the petitioner did not pay him salary and that when he required the petitioner to return his original certificate, he failed to return the same. As such, he resigned the job and joined in another college and when he approached the petitioner for salary and return of original documents, he replied that he would file absconding case. Based on the said allegations, the police registered the case in F.I.R No.367 of 2016 for the alleged above offences.

Learned counsel for the petitioner submitted that the petitioner is also one of the employees and has nothing to do either with the payment of salaries or withholding of certificates of the *de facto* complainant and as a principal of the college, he is entrusted with the duties of looking into the administration of

the college. The allegations are baseless and no offence is made out and the ingredients of the alleged offences are not attracted and hence the FIR is liable to be quashed.

Learned Additional Public Prosecutor submits that as per the allegations, investigation has to be done and at this stage, the proceedings cannot be quashed.

Having regard to the submissions of the learned counsel, no doubt, the offence alleged under Section 408 of IPC is not applicable in the facts and circumstances, but for in view of the allegations made under Section 506 IPC, the same are required to be enquired into during the course of investigation. Hence, there are no grounds to quash or admit for quashing the FIR at this stage, but for the investigation shall go on, at best with concession of bail.

Accordingly, the criminal petition is disposed of giving liberty to the petitioner/accused to surrender before the learned Magistrate concerned and move for regular bail under Section 437 Cr.P.C, with notice to learned Assistant Public Prosecutor concerned and in such an event, the learned Magistrate shall grant bail with necessary conditions on the same day.

As a sequel, miscellaneous petitions, if any, pending in the petition shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date: 30.09.2016
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