

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 22648 of 2015

ORDER:

This writ petition was filed challenging the action of the respondents in not registering the complaint against the unofficial respondents, as illegal and arbitrary.

Respondent No.2 filed a counter-affidavit, wherein it is stated as follows:

“It is submitted that on receipt of the complaint of the petitioner, dated 03.06.2015, respondent No.3 police have made a GD entry of the police station on 22.06.2015 and conducted enquiry into the allegations of the petitioner, wherein it was disclosed that there have been management disputes between the petitioner, who is the Secretary and Correspondent of the Vidyanjali Educational Society and respondent No.4 herein, who is the Principal, Vidyanjali Degree & PG College, Kaikalur under the Vidyanjali Educational Society. Owing to said disputes, both parties have been making complaints against each other. In fact, basing on the statement of the petitioner with regard to misappropriation of funds, a case in Cr.No.25 of 2015 dated 24.03.2015, under Sections 420, 406, 506 read with 34 IPC against respondent No.4 herein and others, which is pending investigation. In view of that, the case was not registered basing on the complaint of the petitioner, dated 03.06.2015.

It is submitted that subsequently, the petitioner sent the complaint, dated 07.02.2016, through registered post, wherein the petitioner repeating the allegations made in his earlier complaint, dated 03.06.2016, made certain new allegations against respondent No.4 herein and four others. It is submitted that basing on the said complaint of the petitioner, dated 07.02.2016, a case in Cr.No.47 of 2016, dated 16.07.2016 under Sections 465, 471, 420 read with 34 IPC against respondent No.4 herein and

four others. It is submitted that in fact no specific allegations were made by the petitioner against respondent No.5 herein either in complaints, dated 03.06.2015, or the subsequent complaint, dated 07.02.2016. On the other hand, in the complaint, dated 03.06.2015, the petitioner specifically stated that respondent No.5 left away from the affairs of the society on 04.12.2009 after receiving his share as per his entitlement. Further, in the subsequent complaint of the petitioner, dated 07.02.2016 also there was no allegations were made against respondent No.5 herein. Therefore, respondent No.5 was not shown as an accused in Cr.No.47 of 2016, dated 16.07.2016 registered against respondent No.4 herein and four others, basing on the complaint of the petitioner, dated 07.02.2016. It is further submitted that in case the investigation discloses involvement of respondent No.5 herein in the crime, respondent No.5 will be added as an accused in Cr.No.47 of 2016, dated 16.07.2016. Therefore, there is no irregularity or inaction on the part of respondent No.3 as alleged in the writ petition.

In view of the above averments, no further orders are necessary in the present writ petition.

The writ petition is accordingly closed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:14.02.2017

kdl

