

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.6143 of 2011

ORDER:

The criminal petition is filed seeking for quash of the proceedings in FIR.No.94 of 2011 on the file of Kadapa Taluk Police Station, Kadapa. The offences alleged are under Sections 420 of the Indian Penal Code and Section 20(4) of the Andhra Pradesh Educational Act, 1982.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor, who takes notice for respondent No.1. None appears for the second respondent in spite of notice.

3. The complaint was filed against the petitioner, who is the Secretary and Correspondent of Goutham Model School, on the ground that the school was run without any recognition.

4. The counsel for the petitioner submits that the petitioner has, in fact, applied for recognition on 29.10.2010 and that there was no response from the department either way and later, the petitioner approached this Court by way of WP.No.19275 of 2011 and by order dated 11.07.2011, this Court directed the department to consider the application within two weeks from thereon and on 15.07.2011 the Regional Joint Director, School Education recommended the case of the petitioner for grant of permission and the same is pending. The counsel draws the attention of the Court to Rule 7 of the Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of School under Private Managements)

Rules, 1993 wherein it is quoted that if the decision is not communicated within the period mentioned in sub-rule (1), the permission is deemed to have been granted. Hence, there can be no grievance against the petitioner, who went according to the said Rule. However, the counsel for the petitioner submits that the school is now closed due to lack of strength.

5. Hence, considering the above circumstances, this Court opines that the continuation of proceedings against the petitioner would be sheer abuse of process of law and wastage of the time of the Court in allowing to proceed with the case

The criminal petition is allowed and the further proceedings in FIR.No.94 of 2011 on the file of Kadapa Taluk Police Station, Kadapa, against the petitioner, are hereby quashed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

December 8, 2017
DSK

T. RAJANI, J

