

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1221 of 2017

ORDER :

Substantially, the request in the present case is to quash the proceedings in C.C.No.416 of 2016 on the file of the XXVI Metropolitan Magistrate, Maheswaram, Cyberabad, made under Section 482 of the Code of Criminal Procedure, 1973.

2. The petitioner alleged to have committed the offences punishable under Sections 409 and 420 IPC dealing with mis-appropriation and cheating respectively.

3. Sri A.Radha Krishna, learned counsel for the petitioner, would submit that in fact the total amount of Rs.2,98,860/- was remitted in the months of January and February 2017 towards employees' share of provident fund which was recovered but not credited to the Provident Fund Account for the period from July, 2010 to March, 2014.

4. The offence under Section 409 IPC would not be taken away even if the mis-appropriated amount is paid at a subsequent stage. Further, the letter, dated 31.03.2015, addressed to the Station House Officer, Maheswaram Police Station, by the Assistant Provident Fund Commissioner (COMP-III), Employees Provident Fund Organization, Regional Officer, Barkatpura, Hyderabad, is of no weight to quash the proceedings in the calendar case. Though, the provident fund amounts of as many as 611 employees were deducted from their salaries, the same were not remitted to the Government Provident

Fund account maintained by the 2nd respondent – Department, which is a sufficient ground to reject the present petition. This is not a fit case to quash the proceedings.

5. Accordingly, the criminal petition is dismissed at admission stage.

6. Miscellaneous petitions pending, if any, shall stand dismissed.

A. SHANKAR NARAYANA, J

13th February 2017.

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