

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.8774 OF 2015

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner-accused to quash the proceedings in C.C. No.214 of 2015 on the file of the II Additional Chief Metropolitan Magistrate, Nampally, Hyderabad registered for the offences punishable under Sections 409 and 506 IPC.

2. Heard the learned counsel for the petitioner and the Assistant Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner would submit that in the departmental enquiry, the petitioner was given a clean chit and that no *prima facie* case is made out for the offences alleged against the petitioner; that the allegation of misappropriation of the rent collected from the endowment property is absolutely false, and ultimately prays to quash the impugned proceedings.

4. On the other hand, the learned Assistant Public Prosecutor opposed the grant of the relief prayed in the Criminal Petition and would submit that there are specific allegations of misappropriation of the rent collected from the endowment properties and threatening the defacto complainant and forcing him to withdraw the complaint lodged to police; that the findings in the departmental enquiry have no bearing on the criminal trial, and prayed to dismiss the Criminal Petition.

5. In view of the contentions put forth by both sides, the point for determination is whether the proceedings in C.C. No.214 of 2015 on the file of the II Additional Chief

Metropolitan Magistrate, Nampally, Hyderabad can be quashed ?

6. As per the material placed on record, the petitioner-accused collected rent amounts i.e. Rs.10,700/- and Rs.6,415/- during the financial years 2012-13 and 2013-14 respectively, from the tenants of the Ramdas Sevadas Mutt (Sri Venugopala Swamy Temple), Esamia Bazar, Hyderabad, and misappropriated the same while he was working as Manager of the temple. There is also material, basing on the report submitted relating to misappropriation, the Commissioner of Endowments demoted the petitioner from the post of Manager to Clerk. There are also allegations that having come to know about the demotion, the petitioner is alleged to have threatened the defacto complainant with dire consequences and made attempts to see that the report lodged before the police is withdrawn. There are specific and grave allegations of misappropriation and threatening the defacto complainant. Truth or otherwise of the allegations are required to be determined after full-fledged trial. Hence, it cannot be said that continuation of the impugned proceedings is nothing but abuse of process of Court. The Criminal Petition is devoid of merit and is liable to be dismissed.

7. The Criminal Petition is, accordingly, dismissed. Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

DR. SHAMEEM AKTHER, J

28.02.2018
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