

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3621 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure by the petitioners/ A.1, A.2 and A.4 seeking to quash the proceedings against them in Crime No.101 of 2018 of Peddapalli Police Station, Godavarikhani-I Town, Peddapalli District, registered for the offence under Section 420 of I.P.C.

Complaint allegations briefly are that A.1 to A.4 are Directors of Gandhi Memorial Junior College; A.3 and A.5 to A.8 are the Directors of Krishnaveni Vikas Junior College; A.9 and A.10 are Directors of Kakatiya Junior College and they entered into an agreement as per which they merged their colleges into SRK Memorial Junior College were running under the Directorship of complainant and A.3 and it was agreed that the complainant will be provided a job of Principal in any of the three colleges with a salary of Rs.25,000/- and also Rs.17,00,000/- to be paid by the three colleges to the complainant on or before 01.08.2017, but later they have not paid the said amount and thus cheated him.

Investigation is reported to be pending.

The learned counsel for the petitioners would submit that the complaint allegations are utterly false and even if they are taken to be true, it is only a non-performance of the contract for which the complainant has already filed a civil suit in O.S.No.161 of 2017 on the file of VI Additional District Judge, Godavarikhani for specific performance of the alleged contract which is pending and hence, the criminal proceedings are not maintainable.

Learned Additional Public Prosecutor would submit that investigation is in the initial stage.

In that view of the matter, this Court is of the view that investigation shall go on to find out whether there is any element of cheating in the course of alleged contract among the parties. However, the Investigating Officer shall

strictly follow the procedure contemplated under Section 41-A of CrPC., during the course of investigation towards the petitioners. Similarly, the petitioners shall cooperate with the Investigating Agency for smooth completion of investigation.

The Criminal Petition is accordingly disposed of. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

28.03.2018
pln

