

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.8696 OF 2012

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioners, who are A1, A8, A6 and A4 respectively, in C.C.No.111 of 2011 on the file of the Court of II Additional Judicial Magistrate of First Class, Kadapa. The offences alleged are under Sections 500, 211 and 217 IPC.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the 1st respondent. None appears for the 2nd respondent in spite of notice.

3. The complaint is filed by the complainant aggrieved by the order of transfer that was issued to the petitioners. The complainant was working as a Tutor in Orthopedics, RIMS Medical College, Kadapa. The counsel for the complainant brings to the notice of this court the order passed by AP Administrative Tribunal, Hyderabad, in O.A.No.8793 of 2008, on the application filed by the complainant questioning the said transfer. In the said order, the Tribunal observed and held that the transfer is an incidence of service and it is totally within the domain of the Administrator to take a decision and in the instant case, the executive authority has taken a decision to transfer the applicant from Kadapa to Anantapur with a view to facilitate smooth conducting of enquiry; the Supreme Court has time and again reiterated that transfer is an incidence of service and the

applicant do not have any legal right to lay a challenge to the transfer order.

4. Moreover, the complaint does not disclose any supporting material with the help of which it can be said that the transfer was made with any ulterior motive. Hence, in the light of the challenge that was already raised by the complainant in the said OA and that the order was made considering all the contentions raised by the complainant in the said application, this court opines that this complaint is filed as a part of vexatious litigation and hence, the continuation of further proceedings against the petitioners would be an abuse of process of law.

5. With the above observations, the Criminal petition is allowed and the proceedings in C.C.No.111 of 2011 on the file of the Court of II Additional Judicial Magistrate of First Class, Kadapa, against the petitioners, are hereby quashed.

As a sequel, the miscellaneous applications, if any, shall stand closed.

JUSTICE T. RAJANI

October 23, 2018
LMV