

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No.2208 of 2010

ORDER:

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in Cr.No.194 of 2009 of Penuganchiprolu Police Station, Krishna District, registered for the offences under Sections 420, 468 and 471 IPC, against the petitioners/accused.

2. Heard learned counsel for the petitioners and learned counsel for the respondent-State.

3. The complaint is filed by the Tahsildar, Penuganchiprolu, based on the representation given by one of the villagers. The complaint is to the effect that the petitioners were drawing pension illegally. Prior to registration of the crime, the District Collector, Krishna, Machilipatnam, gave a direction to lodge a complaint, based on which, the present complaint was filed and the pensions of the petitioners were stopped. Aggrieved by the same, the petitioners and others filed W.P.Nos.477, 564, 833, 847, 898 and 1332 of 2010 and the same were allowed by this Court on 02.09.2014, setting aside the orders of cancellation of freedom fighters pension. However, this Court observed that the said order will not preclude the respondent authorities from taking action after giving notice and opportunity of being heard to the petitioners therein. Thereafter, the petitioners made a representation to the Home Minister, who in turn, made an endorsement, directing the District Collector, Krishna,

Machilipatnam, to get the cases re-enquired into. But, since then, no enquiry was conducted.

4. Hence, in view of the above, this Court finds that when the re-enquiry was not conducted as directed, the complaint cannot be sustained and therefore, the proceedings against the petitioners are quashed.

5. Accordingly, the Criminal Petition is allowed, quashing the proceedings in Cr.No.194 of 2009 of Penuganchiprolu Police Station, Krishna District, against the petitioners/accused. Miscellaneous applications, if any, pending in this criminal petition shall stand closed.

29th November, 2018

sj



T. RAJANI, J