

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 9084 OF 2018

ORDER:

This petition is filed under Section 482 of Cr.P.C. by the petitioners-accused Nos. 1 and 2 to quash the proceedings against them in crime No. 25 of 2018 of Mancherla Town Police Station, Ramagundam District, registered for the offence punishable under Section 420 of IPC.

2. Respondent No. 1 lodged a Telugu typewritten report on 14-01-2018 with police making serious allegations against the petitioners and on the strength of the same, the police registered the above crime for the offence referred *supra*.

3. The main contention before this Court is that there were earlier disputes and the same were settled by executing settlement deeds dated 17-07-2016 and 03-08-2016 and that the petitioners have no control over the management of school since the same was left to respondent No. 1 but the civil dispute is converted into criminal wrong and therefore the same cannot be investigated into.

4. At the hearing, learned counsel for the petitioners has drawn the attention of this Court to the settlement deeds dated 17-07-2016 and 03-08-2016 executed between the petitioners and respondent No. 1 with regard to the management of the school and on the strength of the same, it is contended that respondent No. 1 gave flavour of criminal offence for the civil litigation which is nothing but an abuse of process of the Court.

5. As seen from the allegations made in the report, the petitioners abused respondent No. 1 in filthy language and attacked her on 28-06-2016. Immediately, respondent No. 1 telephoned to police and she also lodged a report

with police but no action was taken. While the matter stood thus, the petitioners and one Vilasakavi Yadagiri Raju @ Kiran committed theft of ten computers and one Xerox machine. Based on the report, the above crime was registered and investigation is not yet completed except issue of notice under Section 41-A Cr.P.C. At this stage, the petitioner approached this Court to quash the proceedings. It is settled principle of law that Court cannot normally interfere with investigation to stifle legitimate prosecution when facts are incomplete and hazy before it as held by the Apex Court in ***State of Orissa Vs. Saroj Kumar Sahoo***¹. In the earlier judgment in ***Kurukshetra University and another Vs. State of Haryana and another***², the Apex Court held that High Court cannot exercise inherent jurisdiction under Section 482 of Cr.P.C. when crime was registered and no further proceedings are taken place as it amounts to interfering with investigation. The Apex Court in ***Mrs. Dhanalakshmi Vs. R.Prasanna Kumar and others***³ held that if the allegations made in the complaint constitute any offence punishable under any penal law, Court can decline to quash proceedings. In view of the law declared by the Apex Court in the judgments referred *supra*, I find no ground to quash the proceedings at this stage and the petition is liable to be dismissed.

6. The criminal petition is accordingly dismissed with liberty to the petitioners to renew their request after completion of investigation. Pending miscellaneous petitions, if any, in this criminal petition shall stand dismissed in consequence.

Date: 28-08-2018.
JSK

M.SATYANARAYANA MURTHY, J.

¹ (2005) 13 SCC 540

² AIR 1977 SC 2229

³ AIR 1990 SC 494