

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.8590 of 2017

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioner/A.77, seeking to quash the proceedings against her in F.I.R.No.73 of 2014 of Chintapalli Police Station, Visakhapatnam, for the offences under Sections 409, 420, 468 and 471 read with 34 I.P.C.

2. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. Learned counsel for the petitioner submits that at the relevant point of time, the petitioner did not work. The petitioner has nothing to do with the allegations made in the report lodged with the police. She is unnecessarily being called to the police station and harassed. There is no material to prosecute her for the alleged offences and ultimately, prayed to quash the proceedings.

4. Learned Assistant Public Prosecutor opposed the same.

5. On a report given to the police dated 27.11.2014, this crime is registered for the offences under Sections 409, 420, 468 and 471 read with 34 I.P.C. As per the material placed on record, this petitioner worked as Chief Accounts Officer from 01.04.2010 to 30.04.2013. During the financial year 2010-11, an amount of Rs.1,20,37,536/- was allotted towards the salaries of 176 employees working under her control. In the year 2011-12, an amount of Rs.2,95,66,837/- was allotted towards the salaries of said number of employees (176). During the financial year

2012-13 an amount of Rs.3,44,82,402/- was allotted towards salaries of the same employees. There was no increase in the number of private employees employed during that period. Even then, an amount of Rs.2,95,66,837/- was spent towards their salaries during the financial year 2011-12. Further, in the financial year 2013-14, an amount of Rs.3,32,54,376/- was spent for the same purpose without there being any increase in the number of private employees. The investigation is only at the crime stage. The truth or otherwise of the allegations with regard to misappropriation of Government money is required to be investigated. It is unsafe to hold that the petitioner is an innocent person. With regard to misappropriation of huge money, to fix the liability, the investigation has to go on. It is not appropriate to quash the proceedings in the impugned F.I.R. against the petitioner/accused No.77.

6. In the result, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 06.03.2018
Ivd