

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.6587 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioners, who are A1 to A3, in Crime No.100 of 2011 on the file of Rural Police Station, Adilabad, Adilabad District. The offences alleged against the petitioners are under Sections 409 and 420 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 against the accused is that they have obtained permission for allotment of land, for running a school, by misrepresenting that the trust is a part and parcel of the Sri Sai Maternity Nursing Home at Adilabad.

4. The counsel for the petitioners draws the attention of this court to GO Ms.No.602 Revenue (Assn.II) Department, dated 31.07.1999, which issued permission to the petitioners, to run a school. It refers to a representation of the accused, dated 16.02.1999. The GO was issued way back on 31.07.1999. The complaint is filed on 27.07.2011 after several years of issuance of the said GO. The counsel for the petitioners submits that the complainant is a person belonging to a rival school and hence, he is interested in some how disturbing the activities of the accused.

5. This court opines that the said contention of the counsel for the petitioners has some force. The counsel for the petitioners further submits that it is not a pre-condition for granting permission, that the trust should be a part of Sri Satya Sai Organisation.

6. Hence, in the above circumstances and also in the circumstance that the said GO was issued way back in the year 1999 and the school was being run successfully in the said land allotted to the accused, this court opines that the complaint is a vexatious complaint and continuation of the further proceedings against the petitioners would be an abuse of process of law.

7. With the above observations, the Criminal Petitions are allowed and the proceedings against the petitioners in C.C.No.1577 of 2009 on the file of IX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur (which according to the counsel for the petitioner is changed as C.C.No.2122 of 2013 on the file of XIX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur), are hereby quashed.

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

August 16, 2018
LMV

T. RAJANI, J