

HONOURABLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5552 of 2015

ORDER:

This Criminal Petition is filed by A2 seeking to quash the proceedings in C.C.No.1148 of 2012 on the file of XI Metropolitan Magistrate, Cyberabad at L.B.Nagar.

The petitioner is A2, who is Secretary and Correspondent of Sri Gowtham Academy of General and Technical Education, a registered society of West Marredpally. The 2nd respondent/Deputy Educational Officer, Saroornagar, Ranga Reddy District, presented a report on 26.06.2012 before the Station House Officer, Chaitanyapuri Police Station, Saroornagar, against the management of the Society (referred supra) saying without permission despite paper publication and pamphlets affixing to walls of no school can be started, the school is running unauthorizedly, hence to take action. The crime registered on even date as 249 of 2012 for the offences punishable under Sections 420 and 20(4) of the A.P. Education Act, 1982 (for short 'the Act').

The A.P. Education Act provision referred supra reads, no school get opened and run without permission from the authority concerned.

In the quash petition filed saying permission is already accorded for the school and the so called paper publications or pamphlets or not to run the school without any permission in general and based on that and ignoring the permission already given by the 2nd respondent even on 16.06.2012 for the academic year that culminated by subsequent proceedings of the Government in memo No.20987/SE.PS.1/A1/2012-13 dated

03.09.2012, accorded permission of opening classes 1st to 10th (EM) at a stretch for the academic year 2012-13 by Gowtham Model School, R.K.Puram, Saroornagar, Ranga Reddy District, subject to confirmation of structural soundness of the building by Executive Engineer (R&B), before applying for recognition and pursuant to which the Regional Joint Director of School Education, Hyderabad issued proceedings in L.Dis.No.2348/B1/2012 dated 08.09.2012 according permission to start school for the academic year 2012-13. In fact, the letter of the 2nd respondent recommending to accord permission and to start the school, to the District Educational Officer, Ranga Reddy District was dated 16.06.2012. The letter is showing it is applied for issuing the letter and to recommend and pursuant to which the Government issued the memo according permission and pursuant to which when Regional Joint Director, School Education issued permission for starting school of the academic year, thereby no offence is made out much less under Section 24 of the Act or for the offence of cheating under Section 420 I.P.C. for running of school for the academic year and the proceedings are liable to be quashed.

Accordingly, the Criminal Petition is allowed and the proceedings relating to C.C.No.1148 of 2012 on the file of XI Metropolitan Magistrate, Cyberabad at L.B.Nagar, are hereby quashed.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 07.02.2019
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