

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL PETITION No.6228 of 2011

ORDER:

Heard learned counsel for the petitioner and the learned Public Prosecutor.

Pursuant to the orders, dated 22.09.2017, notice taken out to the 2nd respondent is served on him through his wife on 07.10.2017, and the proof of service is filed, but, there is no representation and it appears that he has not engaged any counsel. The proof of service filed before this Court is made part of the record.

The present petition is filed by the petitioner/accused to quash the proceedings initiated against him in Crime No.67 of 2010 for the offence under Section 14 of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (for short, "the Act") on the file of Police Station, Unguturu, Vijayawada.

The brief facts of the case are that the 2nd respondent herein, who was working as Deputy Educational Officer, Nuzvid, filed a complaint, dated 15.04.2010, before the Station House Officer, Police Station, Unguturu, stating that the petitioner, who was working as P.E.T. (Physical Education Teacher) at Gangavaram Z.P. High School was constructing a new residential house at Pedda Avutapalli Village, Unguturu

Mandal and on 01.04.2010 he used the students studying 9th class in the same school as child labour to work in his newly constructing building from 8.00 a.m. to 12.00 noon on sand work, shifting bricks to 2nd floor, cleaning the water tank and watering the newly constructed walls after agreeing to pay a sum of Rs.60/- to each student as mentioned in the letter. The said information was also published in the Eenadu newspaper under the heading “Chitti Chethulatho Gattipanulu”. On the said information, the Deputy Educational Officer, Nuzvid, conducted an enquiry in the said high school on 04.04.2010 and submitted a report to the District Educational Officer, Krishna at Machilipatnam. On the said report, the petitioner was suspended on 06.04.2010. Further, pursuant to the orders of the District Educational Officer and also in pursuance of the oral orders of the District Collector, Krishna, the above said complaint was lodged. Pursuant to the said complaint, a crime has been registered vide FIR No.67 of 2010 for the offence under Section 14 of the Act. Aggrieved by the registration of the crime, the present petition is filed.

Learned counsel appearing for the petitioner would contend that the complaint is lodged only on the basis of the newspaper clipping and as such the crime registered based on the said information is liable to be quashed. That apart, pursuant to the said incident, disciplinary proceedings were initiated against the petitioner and the enquiry officer, after

completing the enquiry, stated that the allegations leveled against the petitioner are not proved. Therefore, the petitioner was reinstated into service vide proceedings dated 09.02.2011 of the District Educational Officer, Krishna at Machilipatnam. Learned counsel also brought to the notice of the Court the provisions of Section 2(i) of the Act and contended that all the students, whose names are mentioned, have already completed 15 and 16 years. Therefore, the proceedings initiated against the petitioner are liable to be quashed.

Perusal of the complaint would indicate that the basis for lodging a complaint before the Station House Officer, Police Station, Unguturu, is the newspaper clippings, dated 02.04.2010 and 04.04.2010 in Eenadu District edition, Machilipatnam and also the report submitted by the Deputy Educational Officer. Further, after suspension of the petitioner, disciplinary proceedings have been initiated against him by appointing an enquiry officer. The enquiry officer, after completing the enquiry, reported in his proceedings/letter, dated 09.12.2010, that the allegations leveled against the petitioner are not proved. Pursuant to the said report, the petitioner has been already reinstated and he has retired from service. In view of the enquiry report submitted by the Deputy Educational Officer that the allegations made against the petitioner are not proved and also that all the students, whose names are mentioned, are

above 14 years, this Court is of the opinion that no case is made out to proceed against the petitioner for the offence under Section 14 of the Act and as such the proceedings initiated against the petitioner are liable to be quashed in the interest of justice, since continuation of proceedings would amount to abuse of process of Court.

Accordingly, the petition is allowed quashing the proceedings initiated against the petitioner in Crime No.67 of 2010 for the offence under Section 14 of the Act on the file of Unguturu Police Station, Vijayawada.

Miscellaneous petitions, if any, shall also stand dismissed. No costs.



P. KESHAVA RAO, J

Date: 29.12.2017.
ES