

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No.2984 of 2015

ORDER:

This criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') requesting to quash the proceedings in Crime No.797 of 2014 of Uppal Police Station, Ranga Reddy District, registered for the offences punishable under Sections 420 and 406 I.P.C. against the petitioner and others.

2. The facts, as seen from the F.I.R., would reveal that the petitioner was working as Electrician and was under the supervision of L.Sisupal Reddy, Maintenance Engineer in Rajiv Gandhi International Cricket Stadium, Uppal, besides maintaining generators and bringing diesel from Prodduturi Service Station, Habsiguda, to fill the generators and while bringing the diesel to the stadium, the bill particulars and vehicle number should be entered in inward register of the security gate No.1.

3. While the things stood thus, on 23.09.2014 at about 10-15 hours, the petitioner brought 4400 liters of diesel in vehicle bearing registration No.AP 28TA 1244 and dumped in the stadium and submitted the diesel bill to the maintenance engineer. Again, on the next day i.e., on 24.09.2014, he brought bill for 2100 liters of diesel from Prodduturi Service Station and entered in the inward register with the help of ASO, Md. Yakub by stating that the diesel was brought in the night itself without entering in the register, but another ASO, S.Nagaraju found the discrepancies in the entry and brought the same to the notice of CSO on verifying the CC camera. Ultimately, it came to light that no diesel was brought, the previous night by the petitioner and the petitioner with the help of others procured the bill from the service station with mala fide intention and the same was submitted by the maintenance engineer on 24.09.2014 itself in HCA Accounts Department for sanction. Basing on the said complaint of the 2nd respondent, F.I.R. was issued, which required to be quashed by the instant petition.

4. Heard Sri Vempati Mallikarjuna Sastry, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State.

5. The learned counsel for the petitioner submits that since recently Union of employees was constituted and the petitioner being one of the members of the said Union, to deter Union activities by the petitioner and others belonging to the Union, a false case is foisted against the petitioner and the petitioner is being called to the police station and made to sit throughout and it amounts to abuse of process of law, and, therefore, sought to quash the F.I.R.

6. Learned Public Prosecutor opposed the petition.

7. Perused the material placed on record, i.e., the contents of F.I.R. At this stage, it cannot be said that there is no material, *prima facie*, sufficient to investigate into the truth or otherwise of the allegations levelled against the petitioner by the complainant, more particularly, when the CC camera was not showing the petitioner bringing 2100 liters diesel, the previous night as referred to hereinbefore. Therefore, it is not a fit case to invoke the inherent power under Section 482 of the Code by this Court.

8. However, the Station House Officer, Uppal Police Station, Ranga Reddy District, is hereby directed to follow the procedure contemplated under Section 41A of the Code, in Crime No.797 of 2014, in view of the principle enunciated by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**.

9. With the above direction, the criminal petition is dismissed.

10. As a sequel thereto, miscellaneous petitions, if any pending in this petition, shall stand closed.

A. SHANKAR NARAYANA, J

15th April, 2015

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