

THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELENGANA AND THE STATE OF ANDHRA PRADESH

WEDNESDAY THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND FIFTEEN

PRESENT

**THE HON'BLE MR JUSTICE M.S.RAMACHANDRA
RAO**

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CRIMINAL PETITION No.3175 of 2015

Between:

Dr.P.Shankar Rao

..... PETITIONER

AND

State of Telangana,

Rep.by its Public Prosecutor,

High Court at Hyderabad and another

.....RESPONDENTS

The Court made the following:

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

CRIMINAL PETITION No.3175 of 2015

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ORDER:

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This criminal petition is filed under Section 482 Cr.P.C to quash the proceedings in CC.No.155/2014 (Cr.No.32/2013 of Musheerabad P.S) on the file of the XVII Additional Chief Metropolitan Magistrate, Hyderabad.

2. The petitioner herein is the sole accused in the said criminal case. Counsel for the petitioner contends that the petitioner is a former MLA and also a former Minister and he was accused in Cr.No.485/2011 of Neredmet P.S. filed by one S.Chandra Shekar wherein he is alleged to have committed the offences punishable under sections 120(B), 197, 420, 468, 471, 406 and 506 IPC. She submitted that the said FIR was quashed subsequently and during pendency of the said quash petition an order of stay of all further proceedings including investigation in that crime was passed by this Court. She stated that in contempt thereof, the *de facto* complainants forcibly entered into petitioner's house in a group of 40 persons on pretext of serving notice in Cr.No.485/2011, literally dragged him from out of the house without letting him to show the stay order granted by this Court and foisted this false case against him. She further contended that the filing of this very criminal case is an abuse of process of court and therefore, it is to be quashed.

3. Counsel for the petitioner would also submit that CD is filed showing the manner in which the petitioner was treated by the police at the time of alleged incident and this Court ought to view the CD.

4. A reading of the charge sheet in CC.No.155/2014 indicates that LWs 1 and 2 had gone to the house of the petitioner along with

staff LWs 3 to 17 to serve a notice and requested him to cooperate with the investigating officer for the purpose of investigation in Cr.No.485/2011, but instead of cooperating with the police, the petitioner abused and obstructed them; that his wife and daughter who are A2 and A3 interfered and threatened the police with dire consequences and his wife/A2 bit one woman constable LW 8 on her left hand wrist and caused her injuries. It is further contended that the petitioner abused and threatened them with dire consequences; that the petitioner and his wife and daughter wrongfully restrained public servants through criminal force from discharging their duties; and therefore, the petitioner, his wife and daughter have committed offences punishable under sections 353, 332, 186 and 506 IPC.

5. In ***State of Haryana v. Bhajan Lal***^[1] the Apex Court held that the power under Section 482 Cr.P.C to quash the criminal proceedings should be exercised very sparingly and with circumspection and that too in the rarest of rare cases. The Apex Court also held that where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not *prima facie* constitute any offence or make out a case against the accused, then only the complaint or the First Information Report should be quashed. This principle was reiterated in ***Umesh Kumar v. State of A.P.***^[2].

6. On a plain reading of the charge sheet, I am satisfied that the contents thereof taken at their face value and accepted in their entirety, *prima facie* constitute an offence and make out a case against the petitioner.

7. In ***State of Haryana v. Bhajan Lal*** (1 supra) it has been held that court would not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the First Information Report or the complaint. This has been reiterated in

Umesh Kumar v. State of A.P (2 supra) where the Apex Court held that it is not permissible for the High Court to appreciate the evidence as it can only evaluate material documents on record to the extent of its *prima facie* satisfaction about the existence of sufficient grounds for proceeding against the accused and the Court cannot look into materials, the acceptability of which is to be determined at the trial. The Apex Court further held that any document filed along with the petition labelled as evidence without being tested and proved, cannot be examined.

8. Having regard to the settled legal position, this Court is not inclined to look into the CD referred to by counsel for petitioner. For the above reasons, I do not think that it is a fit case to exercise the power under section 482 Cr.P.C to quash the charge sheet in question. Therefore, this Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

M.S.RAMACHANDRA RAO,J

Date: 22.04.2015
Dsr

[\[1\]](#) AIR 1992 SC 604
[\[2\]](#) (2013) 10 SCC 591