

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTY

CrI.P.No.14548 of 2016

ORDER

This petition is filed under Section 482 Cr.P.C., to quash the FIR in Cr.No.104 of 2016 of Allavaram Police Station, East Godavari District, registered for the offences punishable under Sections 384, 506 read with Section 34 IPC, against the petitioners.

2. The case of the de facto complainant, second respondent herein, is that he is a resident of Allavaram Village and due to disputes between his son-Y. Radha Krishna and villagers, a report was given to Allavaram Police Station. Based on the said report, the reporters of daily newspaper telephoned to him on 15.08.2016 at 10.51 PM and demanded payment of an amount of Rs.10,000/- and accordingly, he paid the same on the next day, but dissatisfied with the said amount, the reporters again demanded him further payment of money by threatening to publish a news item. Hence, he filed the complaint.

3. The main contention of the petitioners is that they never demanded any money from the de facto complainant and never involved in such crime. But the allegation if proved, would constitute an offence punishable under Section 384 of IPC, truth in the allegation cannot be looked into while deciding the petition under Section 482 of Cr.P.C.

4. Learned Public Prosecutor submits that the investigation is going on and some material evidence has to be collected. He requested to pass an order directing the police concerned to follow

the procedure as envisaged under Section 41-A Cr.P.C., and as held by the Apex Court in **Arnesh Kumar v. State of Bihar**¹.

5. In view of the request made by the learned Public Prosecutor and having found that there are no grounds to quash the FIR, I deem it appropriate to direct the police concerned to follow the procedure as envisaged under Section 41-A Cr.P.C., and the principles laid down by the Apex Court in **Arnesh Kumar's** case (1 supra).

6. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand dismissed.

17th October, 2016

sj

M. SATYANARAYANA MURTY, J

¹ 2014(2) ALT (CrI.) 457 (SC)