

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1587 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.1381 of 2015 on the file of Station House Officer, Banjara Hills Police Station, Hyderabad, registered under Section 420 of IPC, Section 63 of the Copy Right Act and Section 65 of Information Technology Act.

2. Heard the learned counsel for petitioner and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioner is accused No.2 and the 2nd respondent is *de facto* complainant in Crime No.1381 of 2015 on the file of Banjara Hills Police Station, Hyderabad. As per the allegations made in the complaint, petitioner herein has illegally intervened with the telecasts of the 2nd respondent. It is further alleged that the petitioner herein illegally up-linking the same contents to their linked channels in the United States of America and other areas for the last four years. The gist of the allegations made in the complaint is that the petitioner herein violated the provisions of Copy Right Act and Information Technology Act with an ulterior motive to cheat the 2nd respondent. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab**^[1], **State of Haryana v. Bhajan Lal**^[2], **V.Y.Jose V State of Gurajat**^[3] and **Teeja Devi v. State of Rajasthan**^[4], I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

6. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. Having regard to the facts and circumstances of the case, the Station House Officer, Banjara Hills Police Station, Hyderabad, is hereby directed not to arrest the petitioner/A2 till completion of investigation in Crime No.1381 of 2015. The petitioner is further directed to cooperate with the investigation officer.

7. With the above direction, criminal petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

10 February, 2016.
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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)