

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.533 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/A-2 in Crime No.1 of 2016 of Mutharam Police Station, Karimnagar District for the offences punishable under Sections 7 (A), 8(e) and 34 (e) of A.P. Prohibition Act, 1995.

Heard the learned counsel for the petitioner/A-2 and the learned Public Prosecutor and perused the material on record.

A perusal of the record would reveal that the petitioner along with A-1 are alleged to have manufactured I.D. liquor by purchasing black jaggery at high rates and on credible information, the police of Mutharam rushed to the scene of offence where the I.D. liquor is manufacturing and seized all the material under cover of panchanama and thereafter, registered a case in Crime No.1 of 2016 for the alleged offences. The material on record discloses specific allegations are alleged against the petitioner along with other accused, the truth or otherwise of which can be decided only after due trial and the same cannot be determined at this stage.

Having regard to the facts and circumstances of the case and in view of the nature of offences alleged against the petitioner/A-2 are serious in nature, this Court is not inclined to interfere with the proceedings against the petitioner/A-2. However, in view of submission of the learned counsel for the petitioner/A-1 that the petitioner/A-2 is apprehending of his arrest due to pendency of the above crime, the police concerned is directed to complete investigation without arresting the petitioner/A-2 and file

final report in accordance with law. In the event of necessity, the police concerned are at liberty to issue a notice to the petitioner/A-2 for the purpose of investigation and on receipt of such notice the petitioner/A-2 shall appear before the police and cooperate with the investigating agency. In the event of failure on the part of the petitioner/A-2 to appear before the police on receipt of such notice, the police are at liberty either to arrest the petitioner/A-2 or to approach this Court, as the case may be, for recalling the present order.

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With the above direction, the Criminal Petition is dismissed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 23-03-2016

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