

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.14311 of 2015

-

ORDER:

This criminal petition is filed under Section 482 of Cr.PC to quash the proceedings against the petitioner/A3 in Crime No.1793 of 2015–16 on the file of the Station House Officer, Proh & Excise Station, Dhoolpet, Hyderabad registered for the offences under Section 7(A) read with Section 8(e) of A.P. Prohibition Act, 1995 and Section 34 (C) of A.P. Excise Act, 1968.

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

3. The petitioner is A3 and second respondent is complainant in Crime No.1793 of 2015–16. As per the allegations made in the complaint, the Excise Officials seized 10 Kgs of black jaggery, 60 litres of I.D. liquor and 400 litres of F.J. Wash from the possession of A1. It is further alleged that the petitioner herein alleged to have sold the black jaggery to A1 for the purpose of preparing I.D. liquor. Whether the petitioner is having licence to sell the black jaggery or not will come to light during the course of investigation.

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, Proh. & Excise Station, Dhoolpet, Hyderabad is hereby directed not to arrest the petitioner/A3 till completion of the investigation in Crime No.1793 of 2015–16.

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.

January 04, 2016.

YS

[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)