

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 11385 of 2016

ORDER:

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The criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in Cr.No.1091 of 2016 of the Station House Officer, Vigilance & APTS Police Station, Ongole Prakasam District, registered for the offences punishable under Section 135(1) of the Electricity Act,2013.

Heard the learned counsel appearing for the petitioner/accused and the learned Additional Public Prosecutor, representing the State.

Having heard the learned Counsel on either side and perused the record, it is clear that specific allegations were made against the petitioner/A2 in the complaint. This is a matter which requires investigation by the police. The truth or otherwise of the allegations can only be decided during course of investigation or trial. I see no ground to interdict the investigation at this stage and quash the first information report.

In the facts and circumstances of the case and as requested by the learned counsel for the petitioner, the Criminal Petition is disposed of, directing the investigating agency to proceed with the investigation strictly following the principles laid down by the Apex Court in *Arnesh Kumar v. State of Bihar and another (Crl.Appeal No.1277 of 201=2014 (1) ALD (Crl) 826 SC)*, however, without arresting the petitioner/accused No.2 in the above crime till the investigation is completed and the charge sheet is filed. The petitioner/accused No.2 shall appear before the investigating

agency as and when required during course of investigation and cooperate with the investigating agency for early completion of investigation.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

JUSTICE M.S.K. JAISWAL

DATED 4th AUGUST, 2016.

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