

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.4077 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/accused in C.C.No.176 of 2016 on the file of Special Judicial Magistrate of First Class (Excise) Eluru arising out of Crime No.3 of 2016 of Pedapadu Police Station of West Godavari District, registered for the offences punishable under Section 6 (a) read with section 7 of the Essential Commodities Act.

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

The main grievance of the petitioner is that the complaint lodged by the second respondent did not mention the actual date of occurrence and that as per FIR, the incident occurred prior to 27-12-2015 and that in the absence of any details of actual date of occurrence, no criminal liability can be fastened against the petitioner/accused.

Admittedly, as per the averments of the complaint, it reveals that the petitioner/accused and the de facto complainant are closely related to each other as the petitioner was the husband of the sister of the de facto complainant. Since specific overt acts attributable to the petitioner/accused have been made in the complaint, the truth or otherwise of which have to be necessarily investigated by the investigating agency and the same cannot be decided at this stage.

Having regard to the facts and circumstances of the case and in view of the nature of the offences alleged against the

petitioner are serious in nature, the police concerned are directed to complete the investigation into the crime without arresting the petitioner and file the final report, if any, in accordance with law. However, in the event of necessity, the police concerned are directed to issue notice to the petitioners/A-1 requiring them to appear before the investigating agency for the purpose of investigation and on the receipt of such notice, the petitioners/ A-1 shall appear before the investigating agency for the purpose of investigation and cooperate with the investigating agency. In the event of any failure on the part of the petitioners/ A-1 in appearing before the investigating agency on receipt of such notice, the police concerned are always at liberty to approach this Court to recall the present order.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 28-03-2016

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