

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.10038 of 2009

ORDER:

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This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner-A5 in Crime No.213 of 2009 on the file of Station House Officer, Gajwel Police Station, Medak District registered for the offences punishable under Sections 286 and 336 IPC and Section 9-B of Explosives Act, 1884.

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

3. A perusal of the record reveals that the petitioner is A5 and the third respondent is *de facto* complainant in Crime No.213 of 2009. As per the allegations made in the complaint, the petitioner sold explosive material to an unlicensed firm i.e., M/s.Talluri Constructions, Sirigipalli Village, Gajewl Mandal, Medak District. The contention of the learned counsel for the petitioner is that M/s.Talluri Constructions is having licence to carry on explosive works. Whether the petitioner has sold explosive material to unlicensed firm or not will come to light during the course of investigation. If this court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings.

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. Taking into consideration the nature of the allegations made against the petitioner, the Station House Officer, Gajwel Police Station is hereby directed not to arrest the petitioner-A5 till completion of investigation in Crime No.213 of 2009.

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

March 22, 2016.

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] (2014) 15 SCC 221