

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35504 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed by the petitioner seeking to quash FIR No.126 of 2016 on the file of Madhira Rural Police Station, Khammam District, registered against the petitioner for the offences under Sections 379 IPC and 3 PDPP Act.

Heard and perused the material available on record.

While conducting vehicle checking near flyover bridge, the 3rd respondent found two lorries bearing Nos.AP 16TY 3946 and AP 16 TY 4006 coming with sand load and on seeing the police, the drivers of the lorries tried to escape and the police apprehended and interrogated them and during enquiry, they stated that on the instructions of the owner of the lorries i.e. the petitioner herein, they are transporting the sand illegally, for selling the same at Khammam. Basing on the panchanama, the 3rd respondent registered the above crime.

Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against her, and in fact, she is not the owner of the said lorries and that the ownership was already transferred in the names of one Mr. Gangadhar and Venkateswarao in the months of March and May 2016, and hence, the petitioner is no way concerned with illegal transportation of sand in the above said lorries.

Learned Assistant Government Pleader for Home submitted that since it was found that the petitioner is the owner of the said lorries, which were seized by the police for illegal transportation of sand, she

was also added as an accused and that the police are investigating the matter.

Considering the circumstances of the case and also the submissions of the learned counsel for the petitioner, and since the petitioner is a lady, without expressing any opinion on merits, this Court is inclined to pass the following order:

The 3rd respondent is directed to complete the investigation in Crime No.126 of 2016 of Madhira Rural Police Station, Khammam District, and file a final report in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer as and when required, for the purpose of investigation.

With the above directions, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

October 21, 2016.
KTL

