

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.234 of 2016

ORDER:

-

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 5 and 7 to 12 in Crime No.78 of 2015 on the file of Station House Officer, Pembi Police Station, Adilabad District, registered under Section 353 IPC read with 34 IPC and Section 135 of the Electricity Act.

Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

A perusal of the record reveals that the petitioners are accused Nos.1 to 5 and 7 to 12. As per the allegations made in the complaint, on 11.12.2015, the petitioners went to the forest and killed the wild animals without any right whatsoever. It is further alleged that the petitioners herein prevented the forest officials from discharging their duties. It is further alleged that the petitioners herein violated the provisions of the Electricity Act. Learned counsel for the petitioners submitted that the forest officials registered a criminal case vide POR No.5492/220 for the offence punishable under Sections 9 and 39 read with Sections 51 and 55 of Wild Life Protection Act 1972 and Section 49 of Wild Life (Protection) Andhra Pradesh Rules, 1974. He further submitted that the petitioners herein have obtained bail in that case. Whether the petitioners have committed the alleged offence or not will come to light during the course of investigation.

It is needless to say that the court has to take into consideration the allegations made in the complaint while

exercising inherent jurisdiction under Section 482 Cr.P.C., in order to quash the criminal proceedings at the initial stage of investigation. The court is not justified in embarking upon an enquiry to ascertain the truthfulness, genuineness or otherwise of the allegations made in the complaint. It is a settled principle of law that the inherent power should not be exercised to stifle a legitimate investigation. If the allegations made in the complaint do not constitute the offence much less the offence alleged to have been committed by the petitioners, then this court can quash the proceedings in order to prevent abuse of process of court thereby to secure the ends of justice.

I have carefully perused the material available on record in order to ascertain whether the allegations made in the complaint are patently absurd and inherently improbable thereby to quash the proceedings. The material available on record is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

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.

The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners till completion of investigation.

Having regard to the facts and circumstances of the case, the Station House Officer, Pembi Police Station, Adilabad District, is hereby directed not to arrest the petitioners/accused Nos.1 to 5 and 7 to 12 in Crime No.78 of 2015 till completion of investigation.

With the above direction, the Criminal Petition is dismissed.

Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

-
T.SUNIL CHOWDARY, J

Date:07.01.2016

Rns

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

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

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

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