

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3511 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners in Crime No.70 of 2017 on the file of the Station House Officer, Ravulapalem Police Station, East Godavari District, registered for the offences punishable under Section 420 I.P.C. and Section 64 of the Copyright Act.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

3. A perusal of the record reveals that basing on the complaint lodged by the second respondent, the Station House Officer, Ravulapalem Police Station, registered a case in Crime No.70 of 2017 against the petitioners for the offences punishable under Section 420 I.P.C. and Section 64 of the Copyright Act.

4. It is the case of the second respondent that the petitioners have been carrying on cable network business in the village without obtaining necessary permission from the Gram Panchayat.

5. Learned counsel for the petitioners submitted that the petitioners have been carrying on cable network business by obtaining necessary permission from the concerned authorities. He further submitted that the second respondent lodged the complaint for the reasons best known to him.

6. The various queries raised by the learned counsel for the petitioners involve complexity of disputed questions of fact which cannot be gone into while exercising the jurisdiction under Section

482 Cr.P.C. Whether the petitioner has obtained necessary permission or not will come to light during the course of investigation.

7. While exercising the inherent power under Section 482 Cr.P.C., the Court has to take into consideration the allegations made in the complaint only. The Court is not justified in embarking upon an enquiry as to probability, reliability or genuineness of the allegations made in the complaint at the initial stage of investigation. The material placed before the Court is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

8. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab¹**, **State of Haryana v. Bhajan Lal²**, **V.Y.Jose v. State of Gurajat³** and **Teeja Devi v. State of Rajasthan⁴**, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

9. Taking into consideration the facts and circumstances of the case and also the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar⁵**, the Station House Officer, Ravulapalem Police Station, East Godavari District, is hereby directed to follow the procedure as contemplated under Section

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ 2014 (8) SCALE 250

41A Cr.P.C. in Crime No.70 of 2017 so far as the petitioners are concerned.

10. With the above direction, the Criminal Petition is disposed of.

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

T.SUNIL CHOWDARY, J

Date: 01.06.2017
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