

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3624 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.127 of 2016 on the file of the Station House Officer, Krosuru Police Station, Guntur District, registered for the offences punishable under Section 379 I.P.C., Section 63 of the Copyright Act, 1957 and Sections 4A and 16 of the Cable Television Networks (Regulation) Act, 1995.

2. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor for the State of Andhra Pradesh.

3. A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant in Crime No.127 of 2016.

4. As per the allegations made in the complaint, the petitioner unauthorisedly transmitting the ETV channel signals. The gist of the allegations made in the complaint is that the petitioner committed piracy of the channels.

5. The contention of the learned counsel for the petitioner is that this is the second complaint lodged by the second respondent.

6. A perusal of the record reveals that the petitioner is an accused in Crime No.154 of 2015 for the offences punishable under Section 63 of the Indian Copyright Act, 1957 and Sections 4A and 16 of the Cable Television Networks (Regulation) Act, 1995.

The complainant in both the cases is not one and the same. The Section of law is also different in both the cases.

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. Hence, the petition lacks merits and *bona fides*.

9. Accordingly, the Criminal Petition is dismissed.

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

T.SUNIL CHOWDARY, J

Date: 02.06.2017
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¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)