

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2394 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') requesting to quash the First Information Report in Crime No.49 of 2017 of Ramagopalpet Police Station.

2. The petitioner herein, who is arraigned as sole accused in the aforesaid crime, alleged to have committed the offence punishable under Section 506 of Indian Penal Code, 1860 (for short 'IPC').

3. Heard Sri V. Hari Haran, learned counsel for the petitioner and, the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel would submit that the petitioner is falsely implicated; the allegations in the First Information Report do not disclose any cognizable offence having been committed by the petitioner; the issues involved are purely civil in nature; the very complaint lodged with the police by respondent No.2 - *de facto* complainant is completely contradictory giving rise to every suspicion of the contents mentioned therein and, therefore, sought to quash the First Information Report.

5. The learned Additional Public Prosecutor strongly resists the request stating that the allegations *prima facie* constitute the commission of offence punishable under Section 506 IPC.

6. The learned counsel has also referred to the son of the petitioner filing W.P. No.693 of 2017 along with W.P.M.P. No.768 of 2017, whereby and whereunder this Court granted interim order on 06.01.2017, directing respondents therein including respondent No.2 herein not to undertake any further constructions and also directing the G.H.M.C. to ensure that no further construction is undertaken by respondent Nos.4 to 7 therein including respondent No.2 herein, and also refers to Contempt Application in C.C. No.117 of 2017 pending for consideration in the said writ petition filed by the son of the petitioner.

7. Now what is required to be seen in the present case is, when the complaint is taken at its face value would contain any allegations *prima facie* in the direction of petitioner having committed a cognizable offence.

8. Turning to the complaint averments, since require to be referred to invariably, the petitioner alleged to have threatened the *de facto* complainant that he would implicate him in false criminal cases unless his demand for making payment of Rs.5,00,000/- ransom to withdraw the aforesaid writ petition was met. The complaint also

shows that the petitioner has become source of nuisance in the locality and has become a known blackmailer and habituated for easy money being collected from the innocent building owners and he is having criminal history of (Pseudo Police) posing himself as taskforce police and used to threaten innocent businessmen and collect moneys and an FIR was also lodged against him in FIR No.256 of 2014 of Mahankali Police Station.

9. Case Diary submitted by the Additional Public Prosecutor is perused. On perusal, irrespective of pendency of W.P. No.693 of 2017, it is to be found that there are allegations *prima facie* to substantiate the offence punishable under Section 506 IPC leveled against the petitioner. The present crime requires investigation into the complaint allegations. Therefore, the request to quash the FIR in Crime No.49 of 2017 is rejected dismissing the present petition.

10. The Investigating Officer, however, is directed to adhere to the procedure inlaid by the provisions of Section 41A of the Code and the guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹.

As a sequel thereto, miscellaneous petitions, if any, pending in the petition stand closed.

A. SHANKAR NARAYANA, J

April 06, 2017.
Mgr

1. (2014) 8 SCC 273