

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.461 OF 2017

ORDER:

The present Criminal Petition is filed requesting this Court to invoke the extraordinary power under Section 482 of the Code of the Criminal Procedure, 1973 (for short, 'Cr.P.C.'), to quash the First Information Report in Crime No.27 of 2016 of Denkada Police Station, Vizianagaram District.

2. Heard Sri A.Prabhakar Rao, learned counsel for the petitioner and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

3. Learned counsel for the petitioner would submit that there has been a correction in the complaint correcting the registration number of the vehicle from "AP 3U 1488" to that of "AP 5U 1488" only to see that the petitioner is put to inconvenience. The police insisted the petitioner to produce the vehicle and the driver, so as to effect his arrest and on his failure to appear before the Police Station to execute bonds and himself prepared for facing the trial. His yet another submission is that though, one and half years elapsed from the date of registering the crime, investigation is not completed and on that ground also, learned counsel urges to allow the present petition.

4. As could be seen from the First Information Report, driver of the lorry bearing No.AP 05U 1488 is shown as accused and in fact arraigned as accused. What all can be culled out from the contents of paragraph No.4 of the present petition is that the police insisted him to bring the driver of the vehicle and also to produce the vehicle. The other submissions made by the learned counsel are that the vehicle was not in roadworthy condition for about two years and to proceed from Warangal to Vizianagaram, the vehicle has to pass through seven check-posts on its way. But, there cannot be any material in that direction from the check-posts personnel of the respective check-posts. All these submissions can only be examined during the investigation by the Investigating Officer to arrive at just conclusion in filing final report under Section 173 of the Cr.P.C. Certainly, they cannot be examined at this stage as the same require a thorough probe, which is not the object of exercising power under Section 482 Cr.P.C. Therefore, there is no merit in the present petition.

5. Learned counsel for the petitioner lastly urged that at least a direction can be given to the concerned Investigating Officer to expedite the conclusion of investigation and to file report. Even such a direction cannot be given as it would amount to interfering with discretion of the Investigating Officer, but of course, he is also legally bound to complete the investigation and file report.

6. Therefore, the present Criminal Petition is dismissed at the state of admission.

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

JUSTICE A.SHANKAR NARAYANA

Date:24.01.2017
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