

THE HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.8208 OF 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, is filed seeking quashing of FIR No.163 of 2017 of Anandapuram Police Station, Visakhapatnam City, registered for the offences punishable under Sections 447, 427, 506 and 509 read with 34 of Indian Penal Code.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor.

The crime was registered on 27.08.2017 and within two days thereafter i.e. on 01.09.2017, the present criminal petition came to be filed seeking quashing of FIR, without giving any breathing time to the investigating agency to find out the truthfulness or otherwise of the allegations made in the report.

As seen from the contents of the report, on 27.08.2017, the accused are alleged to have trespassed into the house of the complainant, damaged the pillar boxes and also abused the complainant and his family members in filthy language.

As stated earlier, the crime was registered on 27.08.2017 and immediately thereafter, the present petition came to be filed. The truthfulness or otherwise of the allegations made in the report are required to be investigated into. Though the learned counsel for the petitioners tried to contend that the petitioners lodged a report on 22.08.2017 and as a counterblast to the same, the present report came to be lodged, but the said report was not registered as a crime nor any effort has been made to show that such a report was made.

In these circumstances, this Court is not inclined to entertain the criminal petition. However, it is needless to mention that as the offences alleged against the petitioners are punishable for a term less than seven years, the respondent-Police shall follow the judgment of the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar and another***¹.

Accordingly, the Criminal Petition is disposed of.

Consequently, miscellaneous petitions pending in this petition, if any, shall stand closed. No order as to costs.

19.09.2017
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JUSTICE C. PRAVEEN KUMAR

¹ 2014 (2) ALT (Cri.) 457 (SC)