

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.584 OF 2017

ORDER:

The petitioner herein is making a request to exercise the extraordinary power under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') by quashment of First Information Report in Crime No.221 of 2016 of III Town Police Station, Khammam. The petitioner, who is arraigned as A.3, is alleged to have committed the offences punishable under Sections 420, 270, 272 and 273 read with 34 IPC.

2. Sri Mummaneni Srinivasa Rao, learned counsel for the petitioner would represent that the allegations in the complaint are only to the extent that the petitioner was allotted some space by A.2 for his cold storage unit, but A.1 stored the material in the space allotted to the petitioner and thus, pleads the innocence and false implication of the petitioner.

3. The averments in the complaint would show that the Gazetted Food Inspector and the Vigilance Enforcement Inspector, Khammam, collected samples from the Cold Storage Unit and were proceeding with the relevant procedures in order to determine the food adulteration or otherwise of the chilli spent.

4. Learned counsel in course of arguments has referred to the counter filed by the third respondent – Station House Officer, III Town Police Station, Khammam, in W.P.No.43013 of 2016, which was filed by

the petitioner herein requesting an identical relief made herein, where initially order was passed directing the official respondents not to arrest and subsequently modified directing the petitioner to approach the 3rd respondent therein with all relevant documents and subsequently, the writ petition was withdrawn. The learned counsel has pointed out the portion in the counter, that A.3, who was provided space in the cold storage unit, knowingly gave the space to A.1 for storage of chilli spent bags by taking higher rates and the owner of the cold storage i.e., A.2 also agreed for the same, and, thus, there is no other material to connect the petitioner with the alleged offence.

5. As seen from the record, the case is still at the stage of investigation. The fact shown by the petitioner in the counter affidavit filed by the 3rd respondent in the aforementioned writ petition that A.3, who is the petitioner herein, knowingly gave the space to A.1 for storing the chilli spent by taking higher rates requires to be examined by the Investigating Officer in order to ascertain the intention in doing so as the offences are levelled showing common intention of the accused. Thus, it is not the case where the proceedings in First Information Report can be quashed at this stage.

6. Hence, the Criminal Petition is dismissed.

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

JUSTICE A.SHANKAR NARAYANA

Date:27.01.2017
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