

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2091 OF 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') to quash the First Information Report in Crime No.268 of 2011 of Jadcherla Police Station, Mahabubnagar District.

2. The petitioner, who is arraigned as accused No.95 in the aforesaid Crime, alleged to have committed the offences punishable under Sections 353, 379, 324 and 224 read with 34 IPC and Section 3 of the Prevention of Damage to Public Property Act, 1984.

3. Heard Sri S. Krishna Sharma, learned counsel for the petitioner and the learned Additional Public Prosecutor for the State of Telangana.

4. The main submission of the learned counsel for the petitioner is that when a mob said to have attacked instigated by Inspector of police protesting the trap laid by ACB Officials and records alleged to have been snatched away by the mob, it cannot be said that the petitioner did participate in the said incident and there is no material to show the involvement of the petitioner and, therefore, sought to quash the FIR.

5. The learned Additional Public Prosecutor would strongly request contending that the petitioner has also participated in the said incident and the video clippings would disclose the presence of the petitioner, basing on which only, the petitioner and number of other persons are arraigned as accused.

6. Perused the complaint and other material available on record.

7. In a case of this nature, certainly, one cannot expect the name of a particular individual specifically being mentioned with the overt acts. When the submission of the learned Additional Public Prosecutor has been that basing on video clippings, the petitioner was identified as one of the miscreants and arraigned him as accused No.95, certainly, it cannot be said that there are no *prima facie* allegations to make out a case against the petitioner. The learned Additional Public Prosecutor, in fact, stated that video clippings were submitted to the Court below and that has been the reason he could not place them before this Court. When such a submission is made by the learned Additional Public Prosecutor, being the minister of the Court, certainly, cannot be brushed aside. Therefore, the request to quash the FIR cannot be acceded to. The investigation into the aforesaid crime has to go on.

Therefore, the present petition is dismissed at the stage of admission itself. As a sequel thereto, miscellaneous petitions, if any, pending in the petition stand closed.

A. SHANKAR NARAYANA, J

April 19, 2017.
Mgr

