

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5746 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.4 to 18 in Crime No.6 of 2017 on the file of the Station House Officer, Garidepalli Police Station, Suryapet District, registered for the offences punishable under Sections 420 and 409 I.P.C., and Section 7 of the Essential Commodities Act, 1955.

2. The learned counsel for the petitioners submitted that the second respondent has no right whatsoever to register a criminal case against the petitioners, who are fair price shop dealers. He further submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioners; therefore, it is a fit case to quash the proceedings.

3. The learned Assistant Public Prosecutor submitted that the allegations made in the complaint and remand report constitute the offences alleged to have been committed by the petitioners.

4. A perusal of the record reveals that the petitioners are accused Nos.4 to 18 and the second respondent is the *de-facto* complainant in Crime No.6 of 2017. It is not in dispute that the petitioners have been working as fair price shop dealers in different villages.

5. As per the allegations made in the complaint, the petitioners have been diverting the PDS rice and other articles to the open market through agents. The gist of the allegations made in the

complaint is that the petitioners herein are diverting the PDS rice and thereby cheated the public. A perusal of the record reveals that the police seized nearly 964 bags of PDS rice.

6. While exercising the inherent power under Section 482 Cr.P.C., the Court has to take into consideration the allegations made in the complaint only. The Court is not justified in embarking upon an enquiry as to probability, reliability or genuineness of the allegations made in the complaint at the initial stage of investigation. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation. The material placed before the Court is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab¹**, **State of Haryana v. Bhajan Lal²**, **V.Y.Jose v. State of Gujarat³** and **Teeja Devi v. State of Rajasthan⁴**, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

8. Accordingly, the Criminal Petition is dismissed. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 18.07.2017
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¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)