

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1273 of 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Petition, 1973, is filed by the petitioners/accused Nos.1 and 2, to quash the proceedings in F.I.R.No.88 of 2011-12 of Excise Police Station, V.Madugula, Visakhapatnam District, registered for the offences punishable under Section 20(b)(ii)(c) read with Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard the learned counsel for the petitioners, learned Public Prosecutor (Andhra Pradesh) appearing for the respondents and perused the record.

3. The learned counsel for the petitioners would submit that the alleged seizure panchanama was prepared on 03.08.2011. The time of alleged offence is 04:00 AM. There is a specific mention in the seizure panchanama that the offenders, after seeing the police jeep, ran into darkness. The learned counsel for the petitioners would also contend that at 04:00 AM, there is no possibility of identifying the persons. The petitioners herein/accused Nos.1 and 2 are falsely arrayed as accused in the F.I.R. in Crime No.88 of 2011-12 of Excise Police Station, V.Madugula, Visakhapatnam District. There are no justifiable reasons to issue F.I.R. against the petitioners herein/accused Nos.1 and 2 and ultimately prayed to quash the proceedings in F.I.R.No.88 of 2011-12 of Excise Police Station, V.Madugula, Visakhapatnam District, issued against the petitioners herein/accused Nos.1 and 2.

4. On the other hand, the learned Public Prosecutor would submit that on seeing the police jeep, the petitioners herein/accused Nos.1 and 2 ran into darkness. There is every possibility of their being seen by the police and also every person near that area. Rightly the names of the petitioners herein/accused Nos.1 and 2 are mentioned in the seizure panchanama as well as F.I.R.

5. The submissions made by the learned Public Prosecutor are borne by the record. There are specific names and details of the petitioners herein/accused Nos.1 and 2 in the seizure panchanama as well as F.I.R. The correct identity of the accused would be established during the course of investigation. Therefore, it is not appropriate to quash the proceedings in F.I.R.No.88 of 2011-12 of Excise Police Station, V.Madugula, Visakhapatnam District, issued against the petitioners herein/accused Nos.1 and 2, registered for the offences punishable under Section 20(b)(ii)(c) read with Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. In the result, this Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

23rd October, 2017
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