

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.540 OF 2017

ORDER:

The petitioner - sole accused viz., Thota Rao makes a request under Section 482 of the Code of Criminal Procedure, 1973, to quash the proceedings against him in First Information Report No.196 of 2016 of Chodavaram Police Station of Visakhapatnam registered for the offence punishable under Section 471 of the Indian Penal Code, 1860.

2. Heard Ms. NVR Rajya Lakshmi, learned counsel appearing for Sri B. Sudhakar Reddy, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Andhra Pradesh, and perused the material on record.

3. Learned counsel for the petitioner would submit that the allegations made by the *de facto* complainant - respondent No.2 herein in the complaint are that the petitioner himself made an application under the provisions of the Right to Information Act, 2005, projecting himself as the *de facto* complainant by putting his (*de facto* complainant) signature seeking certain information regarding his (petitioner's) service particulars. It is his submission that none would resort to such an act and, therefore, there is every suspicion to falsely implicate the petitioner and consequently requests to quash the proceedings against the petitioner.

4. The intention to resort to such an act by the petitioner cannot be deduced at this stage and even considering the contention of the learned counsel for the petitioner for a moment, certainly, it cannot be said that there is no *prima facie* material, as such, the investigation against the petitioner cannot be stalled.

5. Therefore, the Criminal Petition is dismissed at the admission stage itself. However, if the matter falls under Section 41A of the Code of Criminal Procedure, 1973, the concerned officials would adhere to the mandatory procedure prescribed therein, keeping in view the principles laid down by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

January 25, 2017.
PV

A. SHANKAR NARAYANA, J

¹ (2014) 8 SCC 273