

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2917 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to quash the First Information Report in Crime No.181 of 2017 of Meerpet Police Station, Ranga Reddy District.

2. Petitioner herein is arraigned as sole accused in the aforesaid crime. He alleged to have committed the offences punishable under Sections 448, 341, 323 and 506 I.P.C.

3. Heard Ms. K. Sujatha, learned counsel for the petitioner, and learned Additional Public Prosecutor for the State of Telangana.

4. Learned counsel for the petitioner would mainly submit that the petitioner and respondent No.1 – *de facto* complainant were friends earlier and they attended the function mentioned in the complaint, and due to the differences arisen between them, a false case is foisted and the petitioner is falsely implicated. Learned counsel would also submit that the incident, as alleged by the respondent No.1, did not take place at the office and it is invented by him. Learned counsel would also submit that, though, mediation was done by the elders, respondent No.1 did not yield to the advice of elders and, therefore, seeks to quash the First Information Report in the aforesaid crime.

5. Learned Additional Public Prosecutor would strongly resist the request contending that the complaint would contain *prima facie* material to proceed with investigation.

6. A perusal of the complaint averments would clearly show the overt acts of the petitioner making out *prima facie* allegations as to the complicity of the petitioner in the commission of offences alleged. Except the complaint, no other material is available on record. It is well settled that if the complaint, at its face value, would show *prima facie* allegations as to the complicity of the accused in the commission of offence, it cannot be construed that investigation would amount to the abuse of process of law. There is no merit in the present Criminal Petition.

7. At this stage, learned counsel for the petitioner would make a request that the Investigating Officer may be directed to follow the procedure inlaid by the provisions of Section 41A of the Code.

8. Since, none of the offences alleged against the petitioner are punishable with imprisonment exceeding seven years, the Investigating Officer is directed to follow the procedure inlaid by the provisions of Section 41A of the Code as well as the guidelines laid down by the Honourable Supreme Court in **Arnesh Kumar v. State of Bihar and another**¹.

¹2014 (8) SCC 273

9. Accordingly, the present Criminal Petition is dismissed.
Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

A.SHANKAR NARAYANA, J

April 12, 2017.
MD

