

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1729 OF 2018

ORDER:

This petition is filed by the petitioner-A3 under Section 482 Cr.P.C. to quash the proceedings in Cr.No.91 of 2017 on the file of the Station House Officer, Chatrai Police Station, Krishna District, which was registered for the offences punishable under Section 379 IPC, 21 (1) MMDARA, 27, 35 (II), 38, 23 of APWALTA Act and 3 of PDPPA Act.

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner-A3 is an innocent person. In the panchanama conducted, the name of the village of the suspect is mentioned. As per the Adhar Card and material placed before this Court, the petitioner-A3 is not a resident of Sivapuram village. He is a resident of Duddipudi village of Khammam District. The petitioner has nothing to do with the alleged transportation of sand in the village and ultimately, prayed to allow the petition.

4. On the other hand, learned Assistant Public Prosecutor opposed the relief sought for by the petitioner in the petition.

5. As per the material placed on record, the petitioner is a middle man and indulged in the illegal transportation of sand. The punishment for the offences referred supra is below 7 years of imprisonment. As far as the merits of the case are concerned, there are no merits to quash the proceedings as there are specific allegations

against the petitioner as indicated in the panchanama. The name of the petitioner is mentioned in the F.I.R. Therefore, the petitioner is not entitled for the relief of quashing the proceedings in the crime referred above. In view of the circumstances, the Station House Officer concerned is directed not to arrest the petitioner-A3 and complete investigation.

6. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 15-02-2018.

Hsd

