

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No. 3692 of 2018

ORDER:

This Criminal Petition is filed by petitioners/A1 to A3 under Section 482 Cr.P.C, to quash the proceedings against them in Crime No.46 of 2018 of Kothavalasa Police Station, Vijayanagaram District, registered for the offences under Sections 353 & 506 r/w 34 IPC.

The graveman of the accusation made in the complaint by the Mandal Surveyor of Kothavalasa Tahsildar Office, is that on 22.2.2018 when he as per the orders of the Tahsildar went to conduct the survey in respect of S.No. 449/9 of Chintalapalem Revenue Mandal and when the survey operation was under way, meanwhile the accused came there and they questioned them as to why they are installing survey stones and they removed the survey stones installed in the land and abused him and threatened to kill him and due to such obstruction he returned.

FIR was registered and investigation is under way.

Learned counsel for petitioners would submit that the complaint allegations are palpably false and at the instance of one Uppada Venkataramana, who filed a separate complaint registered as FIR No. 47 of 2018, the false report was issued by the surveyor against the petitioners.

A plain reading of the FIR shows a *prima facie* accusation and investigation is stated to be in the nascent stage. In that view of the matter, this Court is not inclined to quash the proceedings. The investigation shall proceed

to its logical end. However, the Investigating Officer shall follow the guidelines given by the Hon'ble Apex Court in **Arnesh Kumar V. State of Bihar**¹ and follow the procedure contemplated under Section 41-A Cr.P.C., during the course of investigation. Petitioners/A1 to A3 are directed to cooperate with the investigating agency for smooth completion of investigation.

Accordingly, the Criminal Petition is disposed of. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

Date: 06.04.2018
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U.DURGA PRASAD RAO, J

¹ (2014) 8 SCC 273