

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.3884 of 2018

ORDER:

This Criminal Petition is filed by the petitioner/A.1 under Section 482 Cr.P.C seeking to quash the proceedings against him in Crime No.18 of 2018 of Maddur Police Station, Mahaboobnagar, registered against him and others for the offences under Sections 147, 427, 290, 353 r/w 149 IPC.

2) Briefly stating, the allegations in the complaint lodged by the Deputy Executive Engineer, Panchayatraj, Mahaboobnagar, are to the effect that on 28.02.2018 inaugural function for laying B.T roads in certain villages like Manapur, Nandigama, Gokulnagar, Kishan Nagar etc., was fixed. For that purpose, on behalf of Maddur Mandal Panchayatraj department, foundation stones were prepared and they were waiting for the arrival of the Panchayatraj Minister and Transport Minister. The petitioner/A.1 being the MLA, was invited along with other political leaders. Since there was a delay in the arrival of the Ministers, the petitioner/A.1 along with his associates raised slogans against the Ministers of Panchayatraj for becoming late and at about 11:30am, A.1 along with his associates went upon the *defacto* complainant and caused obstruction to their duty and proclaimed that if the Minister do not come, they themselves would lay the foundation stone and they also destroyed the foundation stone. On enquiry, they

came to know that A.2 to A.9 were responsible for destruction of the foundation stone.

3) The investigation is reported to be pending.

4) Learned counsel for petitioner while strenuously arguing that the complaint is a politically motivated one and no offence was committed by the petitioner/A.1, sought for quashment of the proceedings. However, having regard to the *prima facie* allegations contained in the FIR, it is not apposite to quash the proceedings at this stage. Therefore, the investigation must lead to its logical conclusion. However, having regard to the nature of the offences, the Investigating Officer is directed to strictly follow the guidelines rendered by Hon'ble Apex Court in the decision reported in *Arnesh Kumar vs. State of Bihar*¹ and also the procedure contemplated under Section 41-A Cr.P.C towards the petitioner/A.1 during the course of investigation. In turn, the petitioner/A.1 shall cooperate with the investigating agency for smooth completion of investigation.

5) Accordingly, this Criminal Petition is disposed of.

As a sequel, miscellaneous applications pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 09.04.2018
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¹ AIR 2014 SC 2756