

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 5798 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') by the petitioners-accused Nos. 2 and 3 to quash the proceedings issued against them in P.O.R.No. 5/2018-19/RVM dated 20-04-2018 by respondent No. 2 for the offence punishable under Section 51 of Wildlife Protection Act, 1972.

2. A panchanama was conducted in the presence of (1) G.Krishna, Village Revenue Assistant, and (2) G.Sankar, R/o Seetampet Bazaar. The details of panchanama disclosed that there was a gathering of villagers in the village and found one head of animal body, meat in four covers, four legs and cooked meat in two bowls. Respondent No. 2 asked the gathering about the meat present there. From out of the gathering, one Madavath Shiva stated that since 15 days, bodrai installation works were going on and it was announced that no one in the village should take meat but he learnt that there was meat in the house of accused No. 1. Thereafter, he along with Rajesh Naik, Janki Ram and Lodya Gopi went to the house of accused No. 1 and searched his house. On search, they found cooked meat in one bowl, one head, four legs and fresh meat in fridge. At that time, the wife of accused No. 1 was present in the house. Later, they also came to know that some meat was there in the house of Vishwanatham and on search, they found cooked meat in one bowl and fresh meat in four covers and the same was seized under a cover of panchanama.

3. The main contention of learned counsel for the petitioners is that initially, the petitioners are not shown as accused but suddenly they are implicated as

accused Nos. 2 and 3 without any material and in the absence of any allegation against the petitioners, the proceedings against them are liable to be quashed.

4. Whereas learned Public Prosecutor (T.S.) has placed reliance on the confessional statement of accused No. 1 which disclosed participation of the petitioners in the above crime and prayed for dismissal of the petition.

5. A perusal of the impugned proceedings shows that there is no reference about participation of these petitioners in commission of the above offence and during investigation, based on the confessional statement of accused No. 1, who is the prime accused, these petitioners are also enrope with the offence. No doubt, when there is no reference about the act committed by the petitioners in the complaint, they cannot be enrope with the offence. However, it is only an F.I.R. and it is information to set the criminal law into motion and it need not contain minute details. Therefore on the ground that there is no allegation against the petitioners, the proceedings against them cannot be quashed. Since the investigation in the present crime is at fetus stage, this Court cannot exercise jurisdiction under Section 482 of Cr.P.C. to stifle the legitimate prosecution in view of the law declared by the Apex Court in ***State of Orissa Vs. Saroj Kumar Sahoo***¹. Hence, I am not inclined to quash the proceedings at this stage since the investigation is not yet completed and the criminal petition is liable to be dismissed.

6. The criminal petition is accordingly dismissed. Pending miscellaneous petitions, if any, in this criminal petition shall stand dismissed in consequence.

Date: 31-07-2018.
JSK

M.SATYANARAYANA MURTHY, J.

¹ (2005) 13 SCC 540