

HONOURABLE JUSTICE G. SRI DEVI

WRIT PETITION No. 8860 of 2019

ORDER :

1. The petitioner, who is accused No.6, filed the present writ petition under article 226 of the Constitution of India seeking issuance of writ of mandamus declaring the registration of F.I.R.No.108 of 2019 of Shamshabad Police Station as illegal, unconstitutional and against the principles of natural justice; and consequently quash the said F.I.R.

2. Respondent No.4 registered a case in Crime No.108 of 2019 for the offences punishable under Section 447 and 479 IPC and Section 36 of the Andhra Pradesh Forest Act, *inter alia* alleging that accused No.1 to 5 have stolen 7 sandalwood trees along with saw and the same were given to the petitioner/ accused No.6.

3. Learned counsel for the petitioner/ accused No.6 submitted that only with an ulterior motive in order to harass the petitioner, a false case has been foisted against him. He further submitted that apart from the bald allegations, no evidence is forthcoming indicating the complicity of the petitioner in the commission of offence.

4. From a perusal of the First Information Report, *prima facie* cognizable offences are made out against the petitioner and other accused therefore, I do not find any cogent reason to quash the first information. Hence, the prayer for quashing the first information report is refused.

5. However, in the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, it is directed that the petitioner shall not be arrested in the aforesaid case till filing of the final report, subject to the restraint that the petitioner shall co-operate with the investigation and shall appear as and when called upon to assist in the investigation.

6. With the above direction, the Writ Petition is disposed of. As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand dismissed.

14.06.2019
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JUSTICE G. SRI DEVI

