

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.4555 of 2019

ORDER:

This petition under Section 482 of Cr.P.C., is filed seeking to quash the proceedings in Cr.No.119 of 2019 on the file of Hanamkonda Police Station, Warangal Commissionerate, registered for the offence under Section 25(1)(A) of Arms Act, against the petitioner/accused.

2. Heard learned counsel for the petitioner/accused and learned Additional Public Prosecutor for the respondent-State.

3. It is alleged in the complaint that on 28.04.2019 at 20.00 hours, on reliable information, the Sub-Inspector of Police along with his staff had conducted vehicle check at Markaji High School junction, Hanamkonda and found the accused, against whom a rowdy sheet was opened, while travelling in an auto bearing No.TS-03-UB-3608 and on inspection, they seized two arms i.e., two sharp edged knives, from his possession, under the cover of confessional panchanama and seizure report.

4. Learned counsel for the petitioner contended that the alleged confession made by the petitioner that he had threatened one Puppala Rajinikanth and his father Sammaiah with knives and also one Dish Satish by damaging his car with knives due to land disputes, is false and baseless as he never made any confession before the police. He further contended that the Police Mamnoor,

Warangal, had registered a case in Cr.No.30 of 2019 on 27.04.2019 and the FIR was received by the Court concerned on 29.04.2019, whereas the present crime was registered on 28.04.2019 and the FIR was received by the Court concerned on 29.04.2019 and that both the complaints were registered against the petitioner on the same allegations without there being any *prima facie* case against him and that the Police Mamnoor and Hanamkonda had conspired together and implicated him falsely in both the cases. Thus, he prays to quash the proceedings against the petitioner.

5. Learned Additional Public Prosecutor opposed the petition.

6. The law regarding sufficiency of grounds which may justify quashing of FIR in a given case is well settled. The Court has to eschew itself from embarking upon a roving enquiry into the details of the case. It is also not advisable to adjudge whether the case shall ultimately end in submission of charge sheet and then eventually in conviction or not. Only a *prima facie* satisfaction of the Court about the existence of sufficient ingredients constituting the offence is required in order to see whether the FIR requires to be investigated or deserves quashing. The ambit of investigation into the alleged offence is an independent area of operation and does not at all for interference in the same except in rarest of rare cases. The operational liberty to collect sufficient material, if there exists any, cannot be scuttled prematurely by any uncalled for overstepping of the Court. It has to be an extremely discreet exercise. The Hon'ble Apex Court's decisions given in the case of ***R.P. Kapur***

vs. The State of Punjab¹ and in the case of **State of Haryana vs. Bhajan Lal**² have also recognized certain categories by way of illustration which may justify quashing of a complaint or charge sheet and the same may also be good grounds to quash the FIR. Some of them also akin to the illustrative examples given in the case of **Smt. Nagawwa vs. Veeranna Shivalingappa Konjalgi**³. The case is whether the allegations made against the accused in the FIR or the evidence collected by the investigating officer do not constitute any offence or whether the allegations are absurd or extremely improbable or impossible to believe or whether the Prosecution is illegally barred or whether the criminal proceedings are malicious and malafide, instituted only for ulterior motive of wreaking vengeance may be, illustratively, the fit cases for the High Court in which the FIR or the criminal proceedings may be quashed. If a particular case falls in some such categories as recognized by the Apex Court in **Bhajan Lal's case (supra)**, it may justify the interference by this Court in exercise of its inherent power as provided in the Code of Criminal Procedure or in exercise of its power vested by the Constitution of India.

7. Illuminated by the case law hereinabove, this Court has adverted to the entire facts available on record. The submissions made by the learned counsel for the petitioner call for a determination on pure questions of fact which may adequately discerned either through proper investigation or which may be

¹ AIR 1960 SC 866

² 1992 SCC (Cri) 426

³ (1976) 3 SCC 736

adjudicated upon only by the trial Court. This Court does not deem it proper to suffocate the ambit and scope of independent investigation into the case. A thread-bare discussion of various facts and circumstances, as they embark from the allegations made against the accused, is being purposely avoided by the Court for the reason that the same might cause any prejudice to either side during investigation or trial. But, it shall suffice to observe that a perusal of the record makes out *prima facie* offence at this stage and there appears to be sufficient grounds for investigation in the case. Therefore, I do not find any justification to quash the proceedings against the accused as the case does not fall in any of the categories recognized by the Apex Court which may justify their quashing. Thus, the prayer for quashing the proceedings in crime No.119 of 2019 on the file of Hanamkonda Police Station, Warangal Commissionerate, is refused as I do not find any breach of constitutional provisions or any abuse of process of law.

8. With the aforesaid observations, the Criminal Petition is dismissed.

9. Miscellaneous petitions, if any pending in this criminal petition, shall stand dismissed.

JUSTICE G.SRI DEVI

1st August, 2019

sj