

HONOURABLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.1051 of 2020

ORDER:

1. This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash Crime No.23 of 2019 on the file of Adilabad Rural Police Station, Adilabad District, registered against the petitioner/accused No.2 for the offences punishable under Section 379 IPC and Sections 20 and 29 of A.P. Forest Act and Section 3 of PDPP Act.

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor appearing for respondent No.1-State and perused the record.

3. The case of the prosecution in brief is that on 15.02.2019, while respondent No.2 and his staff were conducting village patrolling they received credible information stating that one person by name Ismail hid teak logs at the outskirts of Chanda-T village Shivar in thorn bushes; that when Police went towards thorn bushes, one person ran away from there; that respondent No.2 found huge number of teak wood logs dumped in thorn bushes; that after requisition, one M.A.Ahmed Khan, Forest Beat Officer visited the scene and in the presence of the panchas, the said teak logs were seized under the cover of panchanama; and that subsequently, the crime was registered as *suo moto* case.

4. Learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged in the complaint much less the offences with which he was charged; that the complaint was filed only basing on the confession statement of accused No.1 and except that there is no evidence against the petitioner; that basing on the said confession, accused Nos.2 to 6 were implicated in the above crime; and that even if the allegations in the charge sheet are taken on its face value, no case is made out against the petitioner to attract the aforesaid offences. Hence, he prayed to quash the aforesaid crime.

5. Learned Additional Public Prosecutor opposed for quashing the aforesaid F.I.R. and submits that the contents of the F.I.R. clearly disclose cognizable offence against the petitioner.

6. Considering the various decisions including the decision of the Hon'ble Apex Court in *State of Haryana Vs. Bhajan Lal*¹, I am of the considered view that there can be no interference with the investigation or order staying arrest of the petitioner unless cognizable offence is not *ex-facie* discernable from the allegations contained in the F.I.R. or there is any statutory restriction operating on the power of the police to investigate a case. From a perusal of the F.I.R., *prima facie*, it cannot be said that no cognizable offence is made out.

¹ 1992 SCC (CrI) 426

7. In view of the aforesaid facts and circumstances of the case, no indulgence can be shown to the petitioner who has come up with this Criminal Petition. Hence, no ground exists for quashing of the F.I.R. However, if the petitioner surrenders before the Court concerned within two weeks from today and files a petition praying to grant bail, the same shall be considered by the Court concerned in accordance with law, after giving due notice to the learned Public Prosecutor concerned. For a period of two weeks, the Police shall not take any coercive steps against the petitioner in the aforesaid crime. If the petitioner does not surrender before the Court concerned within the stipulated time, the Police are at liberty to take coercive steps against him forthwith.

8. Accordingly, the Criminal Petition is disposed of.

9. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

13th February, 2020
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JUSTICE G. SRI DEVI