

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.2872 of 2022

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., to quash the proceedings in Crime No.43 of 2022 of Peddavoora Police Station, Nalgonda district, registered for the offences under Section 420 of IPC and Section 7 of E.C. Act. The petitioner herein is sole accused in the said Crime.

2. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the Record. With their consent this Criminal Petition is disposed of, at the admission stage.

3. As per the complaint dated 20-03-2022 the only allegation against the petitioner herein is that he is transporting the PDS rice of 75 Jute bags, approximately 30 Quintals.

4. According to learned counsel, the petitioner herein is owner of the vehicle and he is nothing to do with the rice. He has hired his vehicle for the purpose of transportation and he is not aware of the fact that the said rice is PDS rice.

5. Thus, there are several factual aspects to be investigated into by the Investigating Officer during the course of investigation including the allegation made by the 2nd respondent in the complaint dated 20-03-2022. The punishment prescribed for the offences alleged against the petitioner is below 7 years. Therefore, this Court is not inclined to quash the proceedings in Crime No.43 of 2022 of Peddavoora Police Station.

6. However, considering the punishment prescribed for the offences alleged against the petitioner herein, this Criminal Petition is disposed of, directing the Investigating Officer in Crime No.43 of 2022 pending on the file of

Peddavoor Police Station, Nalgonda district, to strictly follow the procedure prescribed in Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**¹. The petitioner shall cooperate with the Investigating Officer by furnishing information and documents, if any, as sought by him in concluding the investigation.

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

March 29, 2022

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K. LAKSHMAN, J

¹ (2014) 8 SCC 273

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