



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3330]

THURSDAY ,THE EIGHTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CRIMINAL PETITION NO: 2062/2019

Between:

S.rajendra Prasad and Others

...PETITIONER/ACCUSED(S)

AND

State Of Ap and Others

...RESPONDENT/COMPLAINANT(S)

Counsel for the Petitioner/accused(S):

1.K SRINIVAS

Counsel for the Respondent/complainant(S):

1.PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER:

The present Criminal Petition is filed to call for the records pertaining to FIR No.118 of 2019, dated 23.03.2019 on the file of the Pattabipuram, Guntur District, wherein the police had registered the crime for the offences punishable under Sections 323, 384, 447, 506 and 509 read with 34 of IPC.

2. The Apex Court, after considering the plethora of citations, has laid the guidelines for quashing the FIR/complaints, in the case of ***M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra***¹. Following the said judgment and reiterating the same guidelines, the Apex Court has passed an order in the case of ***State vs. M.Maridoss and another***² and the guidelines at paras 13.5 and 13.15 and at para 11, which reads thus:

“13.5. While examining an FIR/complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint”.

“13.15. When a prayer for quashing the FIR is made by the alleged accused, the Court when it exercises the power under Section 482 Cr.P.C., only has to consider whether or not the allegations in the FIR disclose the commission of a cognizable offence and is not required to consider on merits whether the allegations make out a cognizable offence or not and the Court has to permit the investigating agency/police to investigate the allegations in the FIR.”

¹ 2021 SCC online SC 315

² (2023) 4 SCC 338

“11. As per the settled position of law, it is the right conferred upon the investigating agency to conduct the investigation and reasonable time should be given to the investigating agency to conduct the investigation unless it is found that the allegations in the FIR do not disclose any cognizable offence at all or the complaint is barred by any law.”

3. On perusal of the record, there are specific allegations which attract cognizable offences, which are reported supra. Hence, this Court at the FIR stage cannot interfere or interdict the police from investigating the case.

4. In view of the judgments of the Apex Court referred supra and as the offences alleged are punishable with imprisonment of less than seven years, the police are directed to follow the procedure prescribed under Section 41-A Cr.P.C and also the guidelines laid down by the Hon'ble Supreme Court in ***Arnesh Kumar vs. State of Bihar***³.

5. Accordingly, the Criminal Petition is disposed of.

As a sequel, miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 18.04.2024
DSV

³ (2014) 8 SCC 273