

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.1092 of 2023

Order:

This Criminal Petition, under Section 482 Cr.P.C. has been filed on behalf of the petitioner/Accused No.3 to quash the proceedings in Crime No.11 of 2023 of Tirumala II Town Police Station, Tirupathi District.

2. A case has been registered against the petitioner and others for the offence punishable under Section 420 r/w 34 IPC.

3. Case of the prosecution, in brief, is that the defacto complainant, who is Vigilance Inspector, Vigilance Wing, TTD, Tirumala, lodged report that on 28.01.2023 morning, on the instructions of the Superior Officers, while he was verifying Darshan Tickets at ATC Circle, Tirumala, a pilgrim party consisting of 4 members came for darshan with a booking acknowledgment SED (Rs.300/-) darshan tickets. On suspicion when enquiry was made about the said tickets, it is revealed that A1 demanded Rs.12000/- for 4 tickets and provided the said four Special Entry darshan tickets to them and thereby cheated the pilgrim as well as TTD.

4. Learned counsel for the petitioner submitted that even accepting the entire accusations, the offence under Section 420 IPC would not be made as against the petitioner herein. He further contends that there is no dishonest intention on the part of the petitioner herein right from the inception.

5. On the contrary, learned Assistant Public Prosecutor submitted that there are specific allegations as against the petitioner herein, and truth or otherwise of the said accusations can be decided only during the course of trial.

6. Heard. Perused the record.

7. The case of the prosecution is that on the instructions of superior officers of TTD, on a random checking by the Vigilance Officials, it is found that the accused had promised to give darshan tickets and demanded an amount of Rs.12,000/- for four tickets from one pilgrim party. The pilgrim party having no other option accepted the said demand and transferred an amount of Rs.12,000/- to A1. They came to know the reality that the Special Entry darshan ticket which would cost only Rs.300/- was sold to pilgrim party for Rs.12,000/- and they cheated the pilgrim party by selling tickets in black market. Accordingly, the Vigilance Officials registered a case as against

the petitioner herein and other accused. The above material goes to show that there are specific accusations against the petitioner herein and others and it is premature for this Court to conduct a roving enquiry into the disputed questions of fact in a petition filed under Section 482 Cr.P.C., and quash the proceedings. This Court is not in a position to go into the merits of the case and not inclined to interfere with the proceedings at this stage. However, Since the offence alleged against the petitioner is punishable with imprisonment of less than 7 years, the police concerned are directed to follow the procedure contemplated under Section 41-A of Cr.P.C. scrupulously as per the guidelines laid down under ***Arnesh Kumar Vs. State of Bihar and another***¹.

8. With the above direction, the Criminal Petition is disposed of.

As a sequel thereto, the miscellaneous applications, if any, pending in this Criminal Petition shall stand closed.

K. SREENIVASA REDDY, J

Dated:10.02.2023
ARB

¹ (2014) 8 SCC 273

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