

HIGH COURT OF ANDHRA PRADESH

MAIN CASE NO.: Cr1.P.No.6264 of 2021

PROCEEDING SHEET

Sl.No.	Date	ORDER	OFFICE NOTE
	24.11.2021	<u>DR,J</u> <u>I.A.No.1 of 2021</u> This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners/A.1 to A.6 herein in Cr.No.268/2021 of Narsapur Town Police Station, Narsapur, West Godavari. On 10.10.2021 at about 5.00 PM the respondent police have conducted a search, prepared a mediators report and based on the search report, FIR is filed for the offences punishable under Sections 3 and 4 of A.P. Gaming Act, 1974 at 7.00 PM. The legal contention is that the action of the respondent police is contrary to the law laid down by this Court in Lalita Kumari Vs. Government of Uttar Pradesh and Others [(2014) 2 SCC Page 1], wherein it is held in Para 119 of the judgment as follows:- Para 119: Therefore, in view of various counterclaims regarding registration or non-registration, what is necessary is only that the information given to the police must disclose the commission of a cognizable offence. In such a situation, registration of an FIR is mandatory. However, if no cognizable offence is made out in the information given, then the FIR need not be registered immediately and perhaps the police can conduct a sort of preliminary verification or inquiry for the limited purpose of ascertaining as to whether a cognizable offence has been committed. But, if the information given clearly mentions the commission of a cognizable offence, there is no other option but to register an FIR	

		Page 2 forthwith. Other considerations are not relevant at the stage of registration of FIR, such as, whether the information is falsely given, whether the information is genuine, whether the information is credible, etc. These are the issues that have to be verified during investigation of the FIR. At the stage of registration of FIR, what is to be seen is merely whether the information given ex facie discloses the commission of a cognizable offence. If, after investigation, the information given is found to be false, there is always an option to prosecute the complainant for filing a false FIR.” In the instant case, according to the mediators report on credible information received from third parties, the respondent police got search warrant from the Deputy Superintendent of Police on 10.10.2021 and along with mediators they have conducted search at 5.00 PM and basing on the said report registered a case as Cr.No.268/2021 at 7.00 PM., on 10.10.2021. Hence, said action of the respondent police is found to be false. In view of the law laid down by the Apex Court in the above judgment, there shall be interim stay of all further proceedings in Cr.No.268/2021 of Narsapur Town Police Station, Narasapur, West Godavari District. DR, J <u>CrI.P.No.6264 of 2021</u> Post after two (02) weeks. DR, J Note: Issue CC tomorrow (B/o) IS	
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