

THE HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.8043 OF 2015

ORDER:

This Criminal Petition is filed by the petitioner/A-party under Section 482 Cr.P.C seeking to quash the proceedings in M.C.No.2 of 2014 on the file of the Sub-Divisional Magistrate, East Godavari District, Amalapuram.

2. Heard the learned counsel for the petitioner/A-party in M.C.No.2 of 2014, respondent No.1 – State represented by the Public Prosecutor (Andhra Pradesh) before admission, and before ordering notice to respondent No.2 – B – party, and perused the material on record.

3. The proceedings of the Sub-Divisional Magistrate, Amalapuram are dated 13.3.2014. According to the petitioner, no inquiry so far was commenced. There is nothing to show that time was extended by assigning special reasons and by serving copy for not completing the inquiry within six months, as per Section 116(6) Cr.P.C., though the provision mandates to complete the inquiry within six months to say from 13.3.2014 ending by 13.9.2014. Once the proceedings are terminated, nothing survives and the learned Sub Divisional Magistrate has no right to call either “A” party or “B” party, as the proceedings are statutorily terminated under Section 116(6) Cr.P.C.

4. With the above observation, the Criminal Petition is allowed by quashing the proceedings in M.C.No.2 of 2014 on the file of the Sub-Divisional Magistrate, East Godavari District, Amalapuram.

5. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

Dr. JUSTICE B.SIVA SANKARA RAO

Date: 11.9.2015
AMD

THE HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

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