

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.1864 of 2012

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioner seeking to quash the F.I.R.No.55 of 2012, dated 13-02-2012 of Miyapur Police Station, Cyberabad District, registered for the offence punishable under Section 188 I.P.C.

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

The learned Public Prosecutor submitted that charge-sheet is filed by the Investigation Agency and the said charge-sheet is also filed invoking the provisions under Section 188 I.P.C.

The complaint of Tahsildar, Dy.Collector Cadre, Serilingampally Mandal, Ranga Reddy District, reads as follows :

“ I am to state that during the inspection of Government lands of Miyapur Village on 11-02-2012, I found that one Sri J.Ramulu, Owner of Talkie Town is dumping mud and boulders in patel cheruvu on back side of the existing theatre and shopping complex. In this connection I am to state the Hon'ble High Court already passed orders to maintain *status quo* in W.P.No.14468/2010 in respect of construction and not to make any change of land use and other development activities in respect of land possessed by J.Ramulu. In spite of that in violation of the orders of Hon'ble High Court as well as the instructions issued by this office he habitually doing development activity in the above land by dumping mud and boulders in the tank by engaging tractors. In this issue the District Collector, R.R.District has also instructed me to book a criminal case against the said Sri J.Ramulu as he is openly and consistently violating the *status quo* orders of the Hon'ble High Court.

Therefore, I request you to register a Criminal Case against the said J.Ramulu, Proprietor of Talkie Town (Krishna Theatres) and send a copy of FIR to this office urgently to enable me to submit the

same to the District Collector, Ranga Reddy District as directed to me.

Section 188 I.P.C. reads as follows :

“188. Disobedience to order duly promulgated by public servant.
—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.”

On a reading of the complaint and Section 188 I.P.C. it is evident that no offence is made out in this case under the provisions of Section 188 I.P.C., since there is no disobedience or violation of the orders passed by a Public Servant.

Considering the facts and circumstances of the case and also the material placed on record, this Court is of the view that proceedings against petitioner herein in F.I.R. No.55 of 2012 can be quashed.

Accordingly, the Criminal Petition is allowed and the proceedings against petitioner-accused in F.I.R. No.55 of 2012, dated 13-02-2012 on the file of the Miyapur Police Station, Cyberabad District, are hereby quashed.

JUSTICE RAJA ELANGO

04th December, 2015

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