

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
Crl.P.No.2897 of 2015

ORDER :

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioners/A.1 and A.2 to quash the proceedings in F.I.R.No.1 of 2015 on the file of the Sakhinetipali Police Station, East Godavari District, registered for the offences punishable under Section 506 read with 34 I.P.C. on the report of the 2nd respondent-defacto-complainant.

2. Heard the learned counsel for the petitioners so also the learned Public Prosecutor representing State-1st respondent and taken as heard the 2nd respondent/defacto-complainant since called absent even served notice and perused the another order passed by the Court dated 13.04.2015 and the material on record.

3. The crime registered is for the offence punishable under Section 506 read with 34 of I.P.C. In fact, the offence under Section 506 of IPC is a non-cognizable one as per the schedule I of Cr.P.C. for a non-cognizable case there is bar under Section 155 of Cr.P.C., the police have no right to receive report and register the same without compliance of Section 155(2) of Cr.P.C.

4. Having regard to the above and as also observed by this Court another Bench while passing the interim order, the crime proceedings supra are liable to be quashed.

5. Accordingly, the Criminal Petition is allowed by quashing the proceedings in F.I.R.No.1 of 2015 on the file of the Sakhinetipali Police Station, East Godavari District without causing prejudice to the right of both parties afresh. Consequently, miscellaneous applications, if any, pending in this Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 22.09.2015
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