

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.1454 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 petitioners seeking to quash the F.I.R.No.480 of 2011, dated 14-11-2011 of Miyapur Police Station, Cyberabad District, registered for the offence punishable under Section 188 I.P.C.

Heard the learned counsel for petitioners 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 Deputy Collector-cum-Tahsildar, Serilingampally Mandal, Ranga Reddy District, reads as follows :

“ I am to submit that Sri Narasimhulu and Krishna have occupied the Govt. land, which is a natural free flow of water from Patelcheruvu and it is causing much public inconvenience. As they have encroached the nala which is meant for public purpose and it is against the orders of the Hon'ble High Court and continuing construction a criminal case may be regd. against them. A copy of the F.I.R. may be sent to me for onward submission to the Dist. Collector and to the Hon'ble Lokayukta.”

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 petitioners herein in F.I.R. No.480 of 2011 can be quashed.

Accordingly, the Criminal Petition is allowed and the proceedings against petitioners-accused Nos.1 and 2 in F.I.R. No.480 of 2011, dated 14-11-2011 on the file of the Miyapur Police Station, Cyberabad District, are hereby quashed.

JUSTICE RAJA ELANGO

04th December, 2015

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