

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9050 of 2014

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioner/Accused in C.C.No.309 of 2014 on the file of the I Additional Judicial Magistrate of First Class, Tenali, Guntur District taken cognizance for the offences under Sections 188 and 171(H) of I.P.C. praying to quash the proceedings in the said case.

2. Heard the learned counsel for the petitioner/Accused so also the learned Public Prosecutor representing 1st respondent and learned counsel for the 2nd respondent before admission and perused the material on record.

3. This Court by order dated 17.07.2015 stated that the offences under Sections 188 and 171(H) I.P.C. registered in Cr.No.43 of 2014 of Tenali II Town Police and filing of chargesheet and the Magistrate taking cognizance as C.C.No.309 of 2014 for the offences supra not sustainable because power under Section 195(1)(a) Cr.P.C. not outcome of any private complaint and posted from that day to this day for any further submission by the 2nd respondent-defacto complainant even the advocate for the 2nd respondent did not choose to appear this day to submit anything in this regard against the non-admissibility of the proceedings. The law is well settled that in this regard proceedings are not sustainable thereby liable to be quashed.

4. Accordingly, the Criminal Petition is allowed by quashing the proceedings in C.C.No.309 of 2014 on the file of the I Additional Judicial First Class Magistrate, Tenali, Guntur District taken cognizance for the offences under Sections 188 and 171(H) of I.P.C. for the bar under Section 195(1)(a) of Cr.P.C. Needless to say, it will not effect the further independent proceedings by a private complaint which recourse is subject to limitation. Consequently, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date: 29.07.2015

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