

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.10176 of 2015

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ORDER :

Heard learned counsel for the petitioner/A.5 as well as the 1st respondent-State representing by the Public Prosecutor and perused the material on record.

2. The petitioner is A.5 among five accused of C.C.No.1304 of 2014 on the file of the Additional Judicial First Class Magistrate at Ananthapur. The I town Police Station, Ananthapur District, registered Crime No.133 of 2014 for the offences punishable under Sections 171(E) and 188 IPC. After completion of investigation, police filed the final report for the offences punishable under Sections 171(E) and 171(F) IPC and the learned Magistrate has taken cognizance for the same. It is impugning the same, the present quash petition is filed.

3. So far as the offence under Sections 171(E) and 171(F) IPC are concerned, these are non-cognizable offences and there is a bar under Section 155 Cr.P.C. for the police to register the crime. So far as the offence under Section 188 IPC is concerned, though it is deleted from the charge sheet, there is a bar under Section 195(i) (a) Cr.P.C. for the police to register the crime as if a cognizable offence, since it must be only by a private complaint proceedings.

4. Having regard to the above, the cognizance taken

by the learned Magistrate from the police final report is unsustainable not only against the petitioner/A.5, but also against the other accused persons, who are A.1 to A.4, thereby the entire proceedings in C.C.No.1304 of 2014 on the file of the Additional Judicial First Class Magistrate, Anantapur, are liable to be quashed.

5. In the result, the criminal petition is allowed and all the proceedings relating to C.C.No.1304 of 2014 on the file of the Additional Judicial First Class Magistrate, Anantapur, are quashed against the petitioner/A.5. The bail bonds of the accused, if any, shall stand cancelled.

6. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

29th October 2015.

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