

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.1918 of 2015

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioner/A.3 seeks to quash the proceedings in C.C.No.1039 of 2009 on the file of the Additional Judicial Magistrate of First Class, Anantapur.

2) The Sub-Inspector of Police, I Town P.S, laid charge sheet against as many as 14 accused including the petitioner/A.3 for the offences under Sec. 188, 283 r/w 34 IPC with the allegations that the accused are the Congress party leaders and activists and on 13.04.2009 at about 8:30pm, at Tadiparti bus stand circle, they formed into an unlawful assembly with a common intention to conduct meeting for Election Campaign on behalf of Congress Party and address to the public and thus violated prohibitory orders by conducting meeting in a non-identified place without taking permission by causing annoyance to free flow of traffic. On the special report given by PW.1 —B.Veeranna, S.I of Police Crimes, I Town P.S, Anantapur. PW.5 who is also Sub-Inspector of Police, I Town P.S, Anantapur registered the case, investigated and filed charge-sheet.

3) When the matter came up for hearing, learned counsel for petitioner would submit that in the connected CrI.P.No.4231 of 2011, this Court earlier quashed the proceedings against A.7, A.9, A.12 and A.13 and produced the copy of the judgment dated 04.07.2014, wherein the learned Single Judge of this Court relying upon the judgment in CrI.P.No.4412 of 2009 quashed the proceedings against A.7, A.9, A.12 and A.13 on the main ground that as per Sec.195(1)(a) of Cr.P.C, no Court can take cognizance of an offence under Sec.188 of IPC except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate and contrary to it, in the instant case charge sheet/ complaint was filed by the S.I of Police in violation of Sec.195(1)(a) of Cr.P.C. Since in view of the above judgment rendered in respect of some other accused in this case, following the

same, the proceedings in C.C.No.1039 of 2009 on the file of the Additional Judicial Magistrate of First Class, Anantapur can be quashed against petitioner/A.3 also.

7) In the result, this Criminal Petition is allowed and proceedings in C.C.No.1039 of 2009 on the file of the Additional Judicial Magistrate of First Class, Anantapur against petitioner/A.3 are hereby quashed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 07.04.2015

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