

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Crl.P.No.15155 of 2014

ORDER :

Heard learned counsel for the petitioner/A1 as well as the respondent-State in C.C.No.80 of 2014 on the file of Judicial First Class Magistrate, Pakala, Chittoor District taken cognizance for the offences punishable under Sections 143, 188, 341 read with Section 149 of IPC and perused the material on record viz. F.I.R., Police final report that was taken cognizance by the Magistrate.

It is the submission of the learned counsel for the petitioner that a perusal of the first information report read with charge sheet is enough to quash the proceedings with no other material.

The very report shows the alleged occurrence was on 21.01.2014 at 07.10 p.m. of allegedly waylaid by A1 and others of her group with the opposite parties in the public road which is N.H.No.140 between Tirupathi and Chittoor. The report given was on 26.04.2014, which is five days after the alleged occurrence. For the alleged offence, crime registered is for the offences supra and the police after investigation by sworn examination, besides LW1 *defacto* complainant and 5 more persons as LWs.2 to 6 in relation to the occurrence, filed the final report that was taken cognizance by the Magistrate for the offences supra. Even the police final report speaks that election schedule was fixed to be held on 07.05.2014 and the accused/petitioner is the contesting candidate. The alleged occurrence of obstruction is between rival political parties and

between contesting candidates. There was the alleged occurrence of obstruction to the floor on the public road between the two parties that is one party lead by A1 and the other party by another person *defacto* complainant, etc. Infact for the offence under Section 188 of IPC there is a bar under Section 195 (1)(a) Cr.P.C. of taking cognizance only on private complaint and not in a right of police to register crime and file final report to take cognizance by Magistrate. Once that goes, there remains the only substantial offence under Section 341 of IPC, which is punishable with imprisonment for one month or with fine of Rs.500/-, though the same is cognizable equally for the alleged offence under Sections 143 and 149 of IPC. The delay in reporting the occurrence after five days with no explanation either in the report or in the police final report filed with itself is sufficient to quash the proceedings.

Having regard to the above, this Criminal Petition is allowed and proceedings in C.C.No.80 OF 2014 on the file of Judicial First Class Magistrate, Pakala, Chittoor District insofar as A1 is concerned is quashed. Bail bonds of the petitioner, if any, shall stand cancelled.

Miscellaneous petitions, if any pending, in this Criminal Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 18.09.2015

vhb