

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.P.No.9060 of 2015

ORDER:

This Criminal Petition is filed by the Petitioner-A1 to quash the proceedings initiated against him in Crime No.90 of 2015 of I-Town Police Station, Adoni, Kurnool District, registered for the offences punishable under Sections 143, 341, 188 read with Section 34 I.P.C.

Brief facts of the case are that on 09.06.2015 at about 4.30 P.M. the petitioner-A1 and others, who belonged to YSR party, formed themselves into an unlawful assembly in the midst of the main road at Meer Ahmed Shan Khadri Dargah, and raised slogans for the arrest of the Andhra Pradesh Chief Minister and also burnt his effigy, causing inconvenience to the public peace and tranquility.

Learned Counsel for the petitioner submits that to attract Section 188 I.P.C. there should be an order duly promulgated by a public servant, however, there is no such order in the present case and, therefore, the very registration of crime against the petitioner-A1 is an abuse of process of law.

I have gone through the complaint and other material available on record. I find force in the contention of the learned Counsel for the petitioner. It is no doubt true that to attract Section 188 I.P.C., there should be an order duly promulgated by a public servant. However, the complaint is silent about promulgation of any order under any of the provisions of the Act. Further, there is no allegation in the complaint in respect of wrongful restraint of any person and as such the provisions of Section 341 I.P.C. do not attract.

For the aforementioned reasons, I am of the considered view that continuance of proceedings initiated against the petitioner-A1 are nothing but an abuse of process of law and are liable to be quashed.

Accordingly, the Criminal Petition is allowed and the proceedings initiated against the petitioner-A1 in Crime No.90 of 2015 of I-Town Police Station, Adoni, are hereby quashed.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

01-10-2015

Gsn