

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No. 721 OF 2013

ORDER :

This Criminal Petition is filed by the petitioners/A.4, A.5 & A.7 to 10 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.268 of 2009 on the file of the Judicial Magistrate of First Class, Nandyal, Kurnool District.

2. The petitioners are A.4, A.5 & A.7 to 10 in C.C.No.268 of 2009 on the file of the Judicial Magistrate of First Class, Nandyal, Kurnool District, wherein the learned Magistrate has taken cognizance for the offences punishable under Sections 143, 149, 188 and 341 IPC. The same is outcome of Crime No.30 of 2009 of Nandyal I Town Police Station. The police, after investigation, filed the final report. It is impugning the said cognizance taken by the learned Magistrate, the present quash petition is filed by showing the State represented by the Public Prosecutor as sole respondent.

3. The main contentions are that there is no wrongful restraint as defined in Section 339 IPC to attract the offence punishable under Section 341 IPC even from the say that even after permission accorded for the procession, after expiry of time the petitioners did not continue the procession and no person was examined among the list of witnesses to the police final report covered by L.Ws.1 to 10 to say that the public thoroughfare was obstructed by virtue of that procession much less voluntary by any of the accused. In the absence of which, when it does not satisfy the ingredients of Section 339 IPC to attract the offence under Section 341 IPC, there is no material to take cognizance for that by the learned Magistrate. Coming to the other Section 188 IPC, there is a bar under Section 195 Sub Clause 1

Clause A Sub Clause (i) of Cr.P.C. for the police to register a crime or for the Magistrate to take cognizance but for to maintain a private complaint.

4. Having regard to the above, the Criminal Petition is allowed and the proceedings in C.C.No.268 of 2009 on the file of the Judicial Magistrate of First Class, Nandyal, Kurnool District, are quashed.

Consequently, miscellaneous petitions, if any pending in this Criminal Petition, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

19th November, 2015
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