

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO
CRIMINAL PETITION Nos. 12856 & 12903 of 2013

COMMON ORDER :

These criminal petitions are filed by the A-4 and A-5 respectively under Section 482 Cr.P.C to quash the proceedings in Crime No.164 of 2013 registered for the offence punishable under Sections 501, 506 and 509 I.P.C of Trimulgherry, Hyderabad.

2) The report of the defacto-complainant in registering the crime for the offences supra reads that she is Mrs.Harshada, W/o.N.Venkata Ramana, R/o.Flat No.104 of Balaji Residency, Trimulgherry that she received a printed notice from Balaji Flat Owners Association i.e., C.Savithri, President, M.R.Venkat Reddy, Vice President, Madhusudhan, General Secretary, V.Sudheer Kumar, Secretary, K.V.S.N.N.Srinivas, Treasurer and they have given instructions that they have held a meeting on 23.06.2013 and as per point No.5 of the same reads that "to plot No.104 (owner) one day you, your brother-in-law and with some other person were came at midnight and fully drunken and your brother-in-law done motion in his dress and abused watchman to cleaning the spoiled area then tell to watchman as through the spoiled dress material, like hard and dirty works doing to watchman, that he is also one of the human, behave like a human nature, it is an official warning to you and must not repeat it again". It is alleged that due to the above printed notice issued to all flat owners as per the defacto-complainant Harshada she lost her dignity and defamed in society and the statement by the association members created troubles in her married life as it

states consumed alcohol and came with her brothers-in-law and some other person, hence to take action.

3) The crime registered for the offences punishable under Sections 501, 506 and 509 I.P.C. There is nothing to attract the offence under Section 509 I.P.C. Even so far as the offence under Section 499 to 502 I.P.C of Chapter XXI I.P.C, it must be by a private complaint as mandated by Section 199 Cr.P.C which shows, no Court shall take cognizance of an offence under Chapter XXI I.P.C except upon a complaint made by some person aggrieved by the offence- - - -. Thereby, for the police to register the crime there is a bar. The expressions of the Apex Court say when the very police investigation to file final report to take cognizance by the Magistrate is a bar, no investigation can practically be allowed though the bar is taking of cognizance by Court.

4) Having regard to the above, the crime registered is per se unsustainable for the offence punishable under Section 501 I.P.C from the bar under Section 199 Cr.P.C. Coming to the offences under Section 506 I.P.C, if the other two offences are not made out, the offence under Section 506 is a non-cognizable offence and bar under Section 155(2) Cr.P.C for the police to register.

5) In the result, both the criminal petitions are allowed and all the proceedings in Crime No.164/2013 of Trimulghery Police Station, Hyderabad are quashed in respect of the petitioners/A-4 and A-5 concerned. The bail bonds of the accused, if any, shall stand cancelled. Miscellaneous petitions, if any pending, shall stand closed.

09.12.2015
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Dr. B. SIVA SANKARA RAO, J