

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.2828 of 2015

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioner/accused seeks quashment of proceedings in C.C.No.149 of 2014 on the file of learned Judicial First Class Magistrate, Kanigiri, Prakasam District.

2) The prosecution case is that on 11.04.2014, on the eve of ZPTC/MPTS elections being held in the Polling Station No.54 of Paboluvaripalli Village, Pamur Mandal, LW4 was officiating as Presiding Officer and soon after the election process started some of the villagers obstructed him for conducting elections on the plea that he has not permitted one P.Srinivasulu who is the contesting candidate of MPTC Botlaguduru on behalf of YSR Congress party, as polling agent. When LW4 informed this fact to LW5—Tahsildar and LW6—Assistant Director, Agricultural Department, they reached the polling place and tried to convince the villagers. At that time, LWs.1 and 2 who are mobile party from Pamur PS and LW3— police constable of Veligondla PS came there and tried to disperse the mob and instructed the accused to vacate the place. However, it is alleged, the accused picked up quarrel with LW1 and caught hold of his shirt and pushed him aside deterred him from his legitimate bandhobast duty and thus caused obstruction for conducting the elections in a smooth manner. On the information of LW1, LW9— Sub-Inspector of Police, Pamur PS came there and tried to disperse the mob and asked the accused to leave the place, but the accused did not heed his words and picked up a stone and self-inflicted. Then, LW9 with the assistance of his staff secured the accused and when tried to board him into jeep, the accused requested that he was having vote at Botlaguduru and so he would go there and after casting vote then he would go for treatment for his injury. On that LW9 sent him from there and subsided the issue and continued the polling process. Later, at 3 PM, when LWs.1 and 2 reached Paboluvaripalli Village with their mobile, the accused again picked up

quarrel with LW1 and abused him in filthy language and threatened with dire consequences on the allegation that LW1 was responsible for sending him out from the Polling Station.

Hence the report.

3) After investigation charge sheet was laid against the accused under Sections 353 and 506 IPC and Section 220 of A.P. Panchayat Raj Act.

4) Denying the allegations, learned counsel for petitioner would submit that petitioner/accused never obstructed Police or the Presiding Officer from conducting the election process and on the other hand, LWs.1 and 2 beat the accused forcibly and took him to police station and filed a false case against him and he was beaten when he went to the polling booth to question the Presiding Officer as to why the contesting candidate for MPTC on YSR Congress party ticket was not allowed as agent. Learned counsel argued, his act would not amount to obstructing the public servants from discharging their duties and false case was foisted against him at the instance of rival party members. He thus prayed to allow the petition.

5) Learned Public Prosecutor opposed the petition submitting that petitioner/accused highhandedly obstructed the police and election officers from discharging their duties.

6) A perusal of charge sheet shows strong *prima facie* accusation against the petitioner/accused, as he obstructed the Police and Presiding Officer from conducting the election in a smooth manner. Therefore, it is not a fit case to quash the proceedings. The petitioner/accused shall face the trial and put-forth all his defenses before the trial Court for its appreciation.

7) This Criminal Petition is accordingly dismissed.

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

U. DURGA PRASAD RAO, J

Date: 17.04.2015

Murthy