

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1997 of 2010

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings against the petitioner/A-2 in C.C.No.312 of 2008 on the file of Additional Judicial First Class Magistrate, Vizianagaram arising out of a private complaint lodged by the third respondent for the offence punishable under Section 506 IPC.

-

Heard the learned counsel for the petitioner, the learned counsel for the third respondent and the learned Public Prosecutor representing the State.

The main grievance of the petitioner is that in a complaint filed under Section 200 Cr.P.C., if the Magistrate wants to take cognizance of the offence, he shall examine the complainant and record the substance of such examination under Section 200 Cr.P.C., as it is a mandatory one. In the present case, the Magistrate, without following such procedure, has straight away taken the cognizance of the offence and hence, he committed a procedural irregularity. Even otherwise, a perusal of the record reveals that the third respondent filed a complaint for the offence punishable under Section 500 IPC on the sole ground that a legal notice was published in Andhra Jyothi District Edition, Vizianagaram. It is not the case of the de facto complainant that the legal notice was published by local reporter in connivance with the petitioner herein, who is Chief Editor. Even if the allegations made in the complaint, *ex facie*, are taken to be true and correct, no *prima facie* case is made out against the petitioner/accused herein.

However, the learned counsel for the petitioner submits that this court, in similar circumstances in Criminal Petition No. 6037 of 2009 quashed the proceedings in a case of this nature and to that effect produced a copy of the order in Criminal Petition No.6037 of 2009.

Having regard to the submissions made by the learned counsel for the petitioner and the order in Criminal Petition No.6037 of 2009, the proceedings in C.C.No.312 of 2008 are liable to be quashed.

Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.312 of 2008 on the file of Additional Judicial Magistrate of First Class, Vizianagaram are hereby quashed. As a sequel thereto, miscellaneous petitions, if any, pending in the Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 17-02-2016

-
Ksn