

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.15334 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. to quash the proceedings in Cr.No.91 of 2016 of Gambhiraopet Police Station, at Rajanna Sircilla District for the offences punishable under Sections 147, 148, 307, 353 read with 149 I.P.C.

Learned counsel for the petitioners withdrawn the request of quashing proceedings on behalf of petitioners 4 and 5.

It is the case of prosecution that on 25-9-2016 at about 18.30 hours, while the defacto complainant who is Police Constable and other constables were proceeding with other constable on vehicle bearing No.TS 09 PB 3048 to Gambhiraopet Police Station for protection for visit of Central Minister K.T.R. and as per the orders of Circle Inspector, they went to Thimapur and that again as per the orders of C.I. at about 6.30 P.M., as the Minister K.T.R. was stopped at Samudarlingapur by Ciricilla JAC advocate Ramakanth, Maheshgoud, Kunta Srinivasa and others, Kathera Devadas, Kamsala Mallesham and others, the defacto complainant and other constables went to that place and that while going to that place, the vehicle of defacto complainant behind the vehicle of Minister, was damaged by the above said JAC advocate Ramakanth and others and that while they were trying to burn his vehicle, he went and stopped them but they beat him with stones and tried to kill him.

Petitioners contended that they never involved in any such incident and that the facts mentioned in the complaint would not attract such serious offences punishable under Sections 147, 148, 307, 353 read with 149 I.P.C.

As seen from the material on record, more particularly allegations made in the F.I.R., police constable who is a defacto complainant presented a complaint to the S.I. making serious allegations including threats to kill defacto complainant. However, petitioners 1 to 3 who are advocates JAC at Siricilla but the allegations are not clear as to who threatened to kill him. Therefore, it is a not a fit case to quash the proceedings against the petitioners 1 to 3 who are practicing advocates at Siricilla and in case they are arrested, they will be put to serious loss of reputation which would damage their practice of advocacy and hence, I find it is a fit case to direct the police to follow the procedure as contemplated under Section 41-A of Cr.P.C. and the guidelines laid down by the Supreme Court in *JOGINDER KUMAR v. STATE OF UTTER PRADESH AND OTHERS*⁽¹⁾.

Accordingly, this Criminal Petition is disposed of directing the police to follow the procedure as contemplated under Section 41-A of Cr.P.C. and the guidelines laid down by the Supreme Court in *JOGINDER KUMAR v. STATE OF UTTER PRADESH AND OTHERS* (1st cited).

¹ 1994 Cri.L.J.1981

Accordingly, this Criminal Petition is dismissed in so far as petitioners 1 to 3 are concerned and dismissed as withdrawn in so far as petitioners 4 and 5 as requested by the learned counsel for the petitioners.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 28-10-2016.

Dvs.



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Dated 28-10-2016.

Dvs