

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Cr1.P.No.15167 of 2016

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') is filed to quash the proceedings in FIR No.875 of 2016 pending on the file of Rajendranagar Police Station, registered for the offences punishable under Sections 324,406,420,417,500,457,120B, 34 IPC and Section 156(3) Cr.P.C.

2. Respondent Nos.2 and 3—Gangapuram Parthap Reddy and Gangapuram Janga Reddy respectively filed a private complaint before VIII Metropolitan Magistrate, Cyberabad at Rajendranagar, for the offences under sections 324,406,420,417,500,457,120B, 34 IPC and Section 156(3) Cr.P.C, but the learned Magistrate exercising jurisdiction under Section 156-3 Cr.P.C. passed an Order referring the matter to the Police for investigation.

3. The only contention raised before this Court is that the Police cannot investigate the offence mentioned in the private complaint punishable under Section 500 IPC i.e., for defamation, and the Court cannot take cognizance of the offence on the chargesheet to be filed by the Police after due investigation.

4. During hearing, Dr. Venkat Reddy Donthi, learned counsel for petitioners, would contend that there is an abnormal delay in filing the private complaint.

5. Admittedly, the private complaint was filed against the petitioners for the offences punishable under Sections 324,406,420,417,500,457,120B, 34 IPC and referred to police for investigation exercising power under Section 156(3) Cr.P.C. One of the provisions of law quoted in the charge sheet is Section 500 IPC, which relates to deformation and such complaint cannot be referred by exercising power under Section 156(3) Cr.P.C. to the police for investigation for the offence under Section 500 Cr.P.C. But, the learned Magistrate without applying his mind passed an Order exercising jurisdiction under Section 156(3) Cr.P.C. and referred the complaint to the Police for investigation. Even if any charge is filed against the petitioners, the Court cannot take cognizance of such charge sheet for the offence under Section 500 Cr.P.C. and thus, the learned Magistrate by non application of mind passed such an Order referring the matter to the Police.

6. The delay allegedly occurred in filing the private complaint is not a ground to quash the proceedings at the threshold of the investigation for the other offences and therefore, this Court need not look into the other material except for limited purpose.

7. Accordingly, the Order of the learned Magistrate regarding the private complaint forwarded to the Police for investigation under Section 156(3) Cr.P.C., to the extent of the offence punishable under Section 500 of IPC is hereby quashed while permitting the Police to investigate into the other offences as stated above.

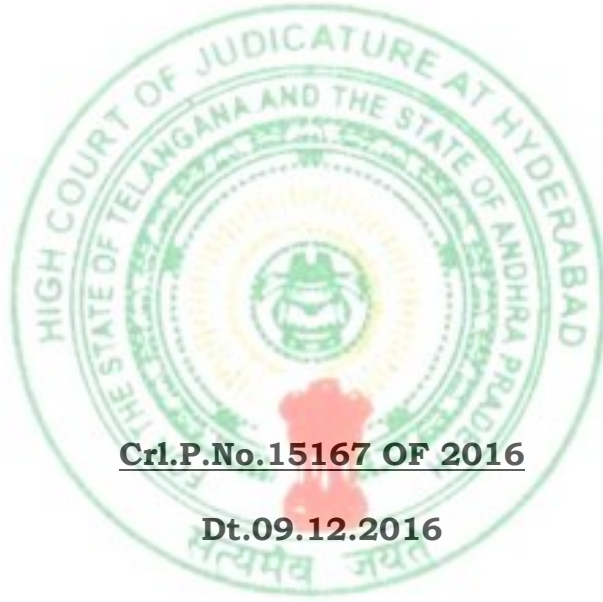
Miscellaneous Petitions, if any, pending in this Criminal Petition,
shall stand closed.

M. SATYANARAYANA MURTHY, J

December 09, 2016.
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