

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.3519 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings in CC.No.309 of 2011 on the file of the Judicial First Class Magistrate, Tandur, Ranga Reddy District.

2. Heard counsel for the petitioner and the learned Public Prosecutor, who takes notice for first respondent. None appears for the second respondent in spite of notice.

3. The facts of the case as per the complaint are that the petitioner, who is a police official, ferociously pounced upon the complainant, when he tried to telephone his relatives, A1 destroyed the telephone and gave a kick blow with his boot legs on the stomach and due to kicks, the complainant fell down and other constables caught the hands of the complainant on his back by removing cloths and A1 beat L.W.2, abusing him in filthy language. He also directed other constables working under him to bring lathis and then A1 and A2 dragged the complainant into a cell and beat him very mercilessly. The complainant gave a report against the accused and at the behest of the other accused, this accused acted in the above manner.

4. The counsel for the petitioner submits that all the above instances are prior to the complaint and no complaint was lodged by the date of the incident. But the said ground is not at all comprehensible, as the complaint would be given only in respect of the offence which already took place. The other contention that sanction under Section 197 of the Criminal Procedure Code has to be obtained

also does not hold merit, as the allegations do not constitute part of the official duties of the accused. Hence, this Court opines that this is not a fit case for quash of proceedings.

The criminal petition is dismissed. The interim stay, granted earlier, in CRLPMP.No.3749 of 2011 dated 26.04.2011 shall stand vacated. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

December 4, 2017
DSK

T. RAJANI, J

