

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1575 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed seeking to quash the proceedings in C.C. No.718 of 2014 on the file of Additional Judicial Magistrate of First Class, Narsipatnam.

2. The petitioner herein viz., Lokula Gandhi is arraigned as accused No.2, who alleged to have committed the offences punishable under Sections 171-H and 188 of the Indian Penal Code, 1860 (IPC). Altogether, there are three accused.

3. Smt. T.V. Sridevi, learned counsel for the petitioner, would submit that this Court in Criminal Petition No.4544 of 2016, by the order dated 01.04.2016, quashed the proceedings in the aforesaid C.C. against accused No.1 viz., Gummidi Sandhya Rani and the petitioner herein, who is arraigned as accused No.2, also stands on a similar footing as he was not in the vehicle at the relevant time, and, accused No.3 was available in the vehicle and his case stands on a different footing. Even otherwise, learned counsel would submit that the provisions of Section 171-H and 188 of IPC would not attract the offences alleged and, therefore, the complaint is unsustainable so far as the petitioner herein is concerned, more particularly, when his case stands alike as that of the accused No.1.

4. The learned Additional Public Prosecutor for the State of Andhra Pradesh has not opposed the request referring to the provisions of Section 198 of Cr.P.C.

5. The learned Single Judge while dealing with Criminal Petition No.4544 of 2016, having extracted the provisions of Section 171-H and 188 of IPC, observed thus:

“On perusing the above Sections and also on reading the entire material available on record, more specifically the allegations made against the petitioner herein, there is nothing on record to show that the petitioner has committed the offences under Sections 171H and 188 IPC. The allegations made in the complaint do not attract the offences under Sections 171H and 188 IPC. Further, no independent witness is examined on behalf of the prosecution to substantiate that A.1 and A.2 authorized A.3 to make propaganda on behalf of them. Hence, the proceedings initiated against the petitioner herein are liable to be set aside

The criminal petition is accordingly allowed and the proceedings in C.C. No.718 of 2014 on the file of the Additional Judicial First Class Magistrate, Narsipatnam, Visakhapatnam District, insofar as against the petitioner is concerned, are hereby quashed.”

6. When the case against accused No.2, who is petitioner herein, also stands on the same footing as that of accused No.1, certainly, accused No.2 cannot be discriminated, in view of the aforesaid order passed by this Court in Criminal Petition 4544 of 2016, quashing the proceedings.

7. Therefore, the Criminal Petition is allowed quashing the proceedings in C.C. No.718 of 2014 on the file of Additional Judicial Magistrate of First Class, Narsipatnam, against the petitioner herein alone.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

March 1, 2017.
PV

A. SHANKAR NARAYANA, J

