

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6241 OF 2017

ORDER:

Heard learned counsel for the petitioner/A1 of Crime No.541 of 2017 on the file of Hayathnagar Police Station of Rachakonda Commissionerate, Ranga Reddy and also the learned Public Prosecutor, representing the 1st respondent – State, before ordering notice to the 2nd respondent – defacto complainant and perused the grounds impugning the said crime registered for the offences punishable under Sections 420 and 188 of I.P.C.

2. From the very wording of Section 195 Cr.P.C., there is a bar for the taking of cognizance by registering a crime as a cognizable offence under Section 154, but for on private complaint for the offence U/s.188 IPC.

3. Having regard to the above, the crime so far as the offence under Section 188 of I.P.C. is unsustainable and quashed to that extent. So far as the other offence under Section 420 of I.P.C., it is premature to make any observation as the crime is at nestle stage.

4. Having regard to the above, this criminal petition is disposed of, by allowing partly, quashing the FIR for the offence under Section 188 of I.P.C., however, the investigation shall go on for the offence under Section 420 of I.P.C.

Needless to say the police shall strictly follow Section 41A of Cr.P.C., as laid down by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***¹, for the offence is not punishable for more than seven years.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

31.07.2017
SS



¹ 2014 (1) ALD (CrI) 826 SC