

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CRIMINAL PETITION No.6489 OF 2011

ORDER:

This Criminal Petition is filed by the petitioner/accused, under Section 482 Cr.P.C., to quash the proceedings in Crime No.107 of 2009, dated 05.04.2009, of Pendurthy Police Station, Visakhapatnam, registered for the offence punishable under Section 32 of Police Act, 1861, taken cognizance of the same by the learned III Metropolitan Magistrate, Visakhapatnam,.

2. Heard learned counsel for the petitioner and learned public prosecutor, representing the respondent – State and perused the entire material on record.

3. The brief facts of the case in nutshell are as follows:

The complaint has been filed by Assistant Returning Officer, 150-Pendurthi A/c and Tahsildar, Pendurthi, stating that Sri Panchakarla Rameshbabu, contesting candidate of Prajarajyam Party, on 03.04.2009, has organized rally with 30 Motorcycles, 12 Autos and 3 Cars, starting from Mudapaka to Valimeraka Juttada vis., Akkireddipalem Junction and he has not obtained any permission for rally from police department and vehicle permission from Returning Officer, hence, he has violated Model Code of Conduct and Section 30 of Police Act and requested the SHO, Pendurthi, to book a case and take action under law. In

pursuance thereof, a case has been registered under Section 32 Police Act, 1861, vide Crime No.107 of 2009, dated 05.04.2009, by P.S. Pendurthi.

4. On perusal of the entire material on record, it is evident that pending investigation of the said crime, petitioner approached this Court and this Court, in CrI.M.P.No.6648 of 2011, dated 03.08.2011, granted interim stay of all further proceedings.

5. At the time of arguments, it is the submission of the learned counsel for the petitioner that as per Section 32 of the Police Act, only penalty has to be imposed for violation of Section 30 of the Police Act. Unless the investigation is completed, it cannot be said that the petitioner is innocent and has not violated any provisions of the Act, more so, Section 30 of the Police Act.

6. Accordingly and with the above observation, this criminal petition is disposed of, directing the Station House Officer, Pendurthi, to complete the investigation, if not already completed, with regard to the violations and any untoward incident, if any, said to have occurred in the process of rally being headed by the petitioner and take appropriate steps as per law. Till the investigation is completed and final report is filed, the petitioner shall not be arrested, however, this order will not preclude the police to

secure the presence of the accused, as and when required, for the purpose of investigation.

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

T.AMARNATH GOUD, J

20.10.2017

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