

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2277 of 2017

ORDER:

Petitioners herein/accused Nos.1 to 33 are respondent Nos.1 to 33 from the 1st party (CPI) in the proceedings in M.C.No.C/236/2016, initiated under Section 107 Cr.P.C., by the Tahsildar, Sathupally, Khammam District, and the police issued the First Information Report in Crime No.432 of 2016 of Khammam Rural Police Station and the same is under challenge in the present petition filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code').

Heard Sri Mummaneni Srinivasa Rao, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana.

Learned counsel for the petitioners would place reliance on the order, dated 15.02.2017, passed by this Court in Criminal Petition No.1275 of 2017, wherein, in a similar situation, this Court allowed the quash petition by placing reliance on the decision of the Hon'ble Madras High Court in **Jakka Venkureddy & others v. State of Andhra Pradesh**¹. Learned counsel would submit that in the said Criminal Petition, this Court also referred to an earlier order passed in Criminal Petition No.14771 of 2016, in an akin situation allowed the petition by dealing with elaborately the purport of provisions of Section 107 of the Code and also mentioning that it is not a penal

¹ 1968 M.L.J (Cri) 451

provision to punish the persons who breach peace and disturb public tranquillity and the security proceedings are not punitive, but are preventive, which was so held by the Madras High Court in the above referred judgment. Therefore, there is every merit in the present petition.

Accordingly, the Criminal Petition is allowed quashing the proceedings in Crime No.432 of 2016 of Khammam Rural Police Station, Khammam District.

Miscellaneous petitions, if any, pending in the Criminal Petition shall stand closed.

Date: 30.03.2017
v v

A.SHANKAR NARAYANA, J

