

HON'BLE MS. JUSTICE J. UMA DEVI

CRIMINAL PETITION No.3764 of 2011

ORDER:

Heard Sri K.Ravindra Kumar, learned Counsel for the petitioners, and the learned Additional Public Prosecutor appearing for the State.

Based on the complaint of A.S.I. Kurnool, I Town Police Station, Kurnool, a Criminal Case in Crime No.67 of 2009 was registered against the petitioners – A.3 to A.6, along with petitioners in Crl.P.No.6144 of 2010, who were figured as accused Nos.1 and 2, for the offence under Section 188 IPC. On completion of investigation, charge sheet was filed by the police and the same was taken cognizance by the learned Magistrate as C.C.No.270 of 2010.

When accused Nos.1 and 2 filed Crl.P.No.6144 of 2010 seeking to quash investigation in C.C.No.270 of 2010, this Court, in its order dated 15.12.2010, observed that, Section 195 Cr.P.C. mandates that no Court shall take cognizance, except on a complaint given in writing by the public servant concerned or of some other public servant to whom he is administratively subordinate in respect of the offences under Sections 172 to 188 IPC. Since the complaint was not filed by the authority who promulgated the orders, taking cognizance of the offence under Section 188 IPC was held as bad in law in view of specific bar or prohibition under Section 195 Cr.P.C, accordingly, the proceedings initiated in C.C.No.270 of 2010 as against A.1 and A.2 were quashed by this Court.

Following the order of this Court in CrI.P.No.6144 of 2010, dated 15.12.2010, the Criminal Petition is allowed and the proceedings, in C.C.No.270 of 2010 on the file of learned Judicial Magistrate of First Class-cum-Special Mobile Court, Kurnool, as against petitioners – A.3 to A.6, are hereby quashed as this case stands on same footing.

Miscellaneous applications, if any pending, shall stand closed. No order as to costs.

J. UMA DEVI, J

Date:20.10.2017
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