

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

CRIMINAL PETITION Nos.9560 AND 6758 OF 2017

COMMON ORDER:

Both matters clubbed together as one quash petition viz., CrI.P.No.6758 of 2017, filed by A3 and the other criminal petition viz., CrI.P.No.9560 of 2017, filed by A1 and A2 and Sri C.Sharan Reddy, learned counsel appearing for self-same defacto complainant in one matter to represent both from the instructions.

2. Heard the learned counsel for the respective accused/petitioners and also the learned public prosecutor representing the 2nd respondent – State and the learned counsel for the defacto complainant in Crime No.16 of 2017, pending on the file of Humayunnagar Police Station, registered for the offences punishable under Sections 406 and 420 IPC.

3. Undisputedly, outcome of Crime No.574 of 2013, dated 15.07.2013 of SHO, Rajendranagar Police Station, from the report of the defacto complainant, in relation to the facts happened prior to that, police having registered the crime, filed the final report and the learned VIII Additional Chief Metropolitan Magistrate, Rajendranagar, taken cognizance for the offences by allotting C.C.No.1135 of 2015 and A3 is facing trial therein.

4. The submission of the counsel for the defacto complainant vis-à-vis the public prosecutor is that there are some additional facts in the present report, rather those covered in the earlier report and thereby, the second complaint is sustainable. Such a contention is untenable for the reason that such additional facts which are known not even disclosed, leave about no protest filed to the police final report in seeking any further investigation, apart from further remedy is left open. If at all the police want to make any further investigation in that case by invoking Section 178(3) Cr.P.C., otherwise from any further facts in the evidence, Court got the power under Section 319 Cr.P.C. as laid down by the Hon'ble Apex Court in ***Hardeep Singh Vs. State of Punjab and others***¹ to proceed against any additional accused, if there is sustainable accusation from the evidence during trial.

4. Accordingly and with the above observations, these criminal petitions are allowed, quashing the present crime proceedings but for pursuing the remedies covered by earlier crime supra.

5. Miscellaneous petitions pending consideration, if any, in these cases shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

13.10.2017
SS

¹ (2014) 3 SCC 92