

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2740 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to quash the First Information Report in Crime No.27 of 2014 of Kasapuramu Police Station, Anantapur District, by exercising the extra-ordinary and exceptional power.

2. The petitioners are arraigned as accused Nos.1 and 2 in the aforesaid crime. They are working as Junior Assistant and Record Assistant in the Court of Judicial Magistrate of First Class, Guntakal, Anantapur District, and alleged to have committed the offences punishable under Sections 409, 420, 426, 464 and 471 read with 34 I.P.C.

3. Ms. Sulata Saha, learned counsel appearing on behalf of M/s. Pilix Law Firm, counsel for the petitioners, would submit that the alleged tampering of Remand Report in Crime No.157 of 2013 of Guntakal I Town Police Station would have no consequence, since, the said case ended in acquittal and, therefore, seeks to quash the First Information Report in the present crime.

4. Learned Additional Public Prosecutor for the State of Andhra Pradesh would resist the request.

5. The fact-situation would show that the petitioners, being the custodians of the record, taken the Remand Report outside the Court premises and tampered the second page of the Remand Report, which was detected by the learned Judicial Magistrate of First Class, Guntakal, and the learned Magistrate himself has lodged the complaint, besides reporting the incident to the higher administrative authorities, for taking disciplinary action on administrative side. When such is the conduct of the petitioners, as reflected from the contents of the First Information Report, certainly, it is not a case, which can be viewed that prosecution of the petitioners would amount to the abuse of process of law and no exceptional relief can be granted to the petitioners.

6. Hence, the present Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A.SHANKAR NARAYANA, J

April 04, 2017.
MD