HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1898 OF 2017

ORDR:

The present Criminal Petition is filed to quash the proceedings in Summary Trial Case No.111 of 2016 on the file of XI-Metropolitan Magistrate, Cyberabad at L.B.Nagar, Hyderabad R.R. District.

2. Learned counsel for the petitioners, Sri Bethi Venkkateswarlu, would submit that the present case was transferred to the Special Judicial Magistrate of 2nd Class at L.B.Nagar and pending on his file with the same STC No.111 of 2016.

3. The offence alleged against the petitioners – accused Nos. 1 & 2 is punishable under Section 188 of the Indian Penal Code.

4. The learned counsel for the petitioners has tendered elaborate arguments. His main argument has been that the investigating officer has failed to record the statements of the local residents who said to have paid Rs.100/- to Rs.200/- for enrolment of Aadhaar and that the witnesses examined are none other than the official witnesses being Mandal Revenue Officer of Saroornagar Mandal; Mandal Revenue Inspector of Saroornagar Mandal; Village Revenue Officer of Saroornagar Mandal, resident of Bandaravirala Village; Village Revenue Officer of Saroornagar Mandal, resident of Qutbullahpur Village; Village Revenue Officer of Saroornagar Mandal, resident of Jillelaguda; Village Revenue Officer of Saroornagar Mandal, resident

of Koheda Village; and the Inspector of Police, Saroornagar P.S., who conducted investigation; and the Sub-Inspector of Police, Saroornagar P.S.

5. Learned Additional Public Prosecutor for the State of Telangana would fairly come out that the present complaint was registered by the police directly and it is in violation of the provisions of Section 195 of the Code of Criminal Procedure and this Court in **Kottu Satyanarayana v. State of Andhra Pradesh**[1], in an alike fact-situation, allowed the criminal petition quashing the proceedings and directing the Mandal Development Officer, Tadepalligudem, to lodge a suitable complaint before the concerned Magistrate within the period of limitation prescribed under Section 468 of the Code of Criminal Procedure.

6. In the present case also, the Mandal Revenue Officer is the complainant and hence by giving such liberty to the Mandal Revenue Officer, if it is within the period of limitation prescribed under Section 468 of Cr.P.C., to lodge a suitable compliant before the concerned Magistrate.

7. The Criminal Petition is accordingly allowed, quashing the proceedings in STC No.111 of 2016 on the file of Special Judicial Magistrate of 2nd Class at L.B.Nagar. However, the quashment herein does not prevent the Mandal Revenue Officer (L.W.1) from filing a

[1] 2015 (1) ALD (Crl.) 572 (A.P.)

complaint with the Magistrate concerned for re-agitating the matter and the learned Magistrate shall deal with the said complaint in accordance with law.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

Dt. 08.03.2017
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