

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

CRIMINAL PETITION No.9308 OF 2017

ORDER:

Heard learned counsel for the petitioner/A2 of C.C.No.656 of 2014, pending on the file of the X Additional Chief Metropolitan Magistrate, Secunderabad, where the learned Magistrate has taken cognizance for the offence punishable under section 188 of IPC, outcome of Crime No.243 of 2014, dated 18.04.2014 of Station House Officer, Chilakalaguda P.S. and also heard the learned public prosecutor, representing the respondents.

2. Perused the grounds urged in the quash petition and the contents of the FIR and the police final report. In fact there is a bar under section 195(1)(a) of Cr.P.C. for registering a crime by police, but for if at all, for the learned Magistrate to take cognizance only on private complaint as contemplated therein. Hence, suffice to say, cognizance order is unsustainable and consequentially, the proceedings are liable to be quashed.

3. Accordingly, this criminal petition is allowed, quashing the proceedings against A2 in C.C.No.243 of 2014, on the file of X Additional Chief Metropolitan Magistrate, Secunderabad and the other accused/A1 also, though not a party by virtue of this order. Bail bonds issued, if any, stands cancelled.

4. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

06.10.2017
SS