

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2440 of 2017

ORDER:

This criminal petition is filed by the petitioner seeking for quash of the proceedings in PRC.No.22 of 2001 dated 09.12.2016 on the file of the VI Metropolitan Magistrate, Visakhapatnam.

2. Heard learned counsel for the petitioner and learned Public Prosecutor for respondent No.1 and with their consent, the criminal petition is disposed of at the admission stage.

3. The counsel for the petitioner submits that no sanction was obtained for prosecution of the accused, who is the Sub-Inspector of Police.

4. The sanction is required only if the offence is in the nature of being part of the official duties of the accused and the allegations, as can be seen from the complaint, do not constitute an offence as part of the official duties of the accused, hence, non-obtaining of the sanction will not vitiate the proceedings.

5. Counsel for the petitioner further contends that the allegations are only bald allegations and that they do not constitute any offence alleged against the accused.

6. In the considered opinion of this Court, the allegations do not seem to be bald and there are numerous instances mentioned against the petitioner/accused wherein it was alleged that he was harassing people. Hence, this Court does not find any ground to quash the proceedings.

7. The counsel for the petitioner, however, requests the Court to dispense with the presence of the petitioner, as he is finding it very difficult to attend the Court on every date of adjournment.

8. Taking into consideration the said submission, the Court below is directed not to insist on the presence of the petitioner on every date of adjournment, except when it is required for the proceedings of the Court.

With the above direction, the criminal petition is dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

October 27, 2017
DSK



T. RAJANI, J