

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1717 OF 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') requesting to quash the First Information Report in Crime No.9 of 2017 of Sydapuram Police Station, SPSR Nellore District.

2. Heard, Sri Ch.C.Krishna Reddy, learned counsel for the petitioners and learned Additional Public Prosecutor for the State of Andhra Pradesh.

3. The petitioners herein are arraigned as accused in the aforesaid crime.

4. Learned counsel for the petitioners has drawn the attention to one of the orders passed by this Court in Criminal Petition No.14771 of 2016, wherein, when a similar request was made, this Court, by order dated 20.10.2016, allowed the said criminal petition observing "Section 107 Cr.P.C. is not penal provision to punish the persons who breached peace and disturbed public tranquility and the security proceedings are not punitive but are preventive as held in 1968 M.L.J. (Crl.) 451.", having extracted the provision of Section 107 Cr.P.C.

5. Even this Court had the occasion to render a similar order basing on the order in Criminal Petition No.14771 of 2016.

6. Learned Additional Public Prosecutor has not opposed and even he would submit that instructions were also given to some of the police personnel about the purport of Section 107 Cr.P.C.

7. Thus, nothing more is required to quash the First Information Report and allowing the present petition as requested by the petitioners.

8. Accordingly, the criminal petition is allowed quashing the proceedings against the petitioners in Crime No.9 of 2017 of Sydapuram Police Station, SPSR Nellore District.

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

A. SHANKAR NARAYANA, J

March 6, 2017.

Note:

Issue C.C. in one week.

(b/o)

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