

IN THE HIGH COURT OF JUDICATURE FOR THE STATE OF TELANGANA
AND ANDHRA PRADESH AT HYDERABAD

TUESDAY THE NINETEENTH DAY OF DECEMBER
TWO THOUSAND AND SEVENTEEN

PRESENT

HONOURABLE SRI JUSTICE P. KESHA RAO

CRIMINAL PETITION NO. 3129 OF 2011

Between:

Nanneboina Srinivasa Rao

...

Petitioners

V/s.

The State of Andhra Pradesh
Through Station House Officer,
Chilakaluripet Rural Police Station,
Guntur district
Represented by Public Prosecutor
High Court, Hyderabad & Anr.

...

Respondents/Respondents

Counsel for Petitioner :

Sri T. Rama Koteswara Rao

Counsel for Respondent :

Public Prosecutor [AP]

The court made the following :

[order follows]

HONOURABLE SRI JUSTICE P. KESHAVA RAO**CRIMINAL PETITION NO. 3129 OF 2011****ORDER:**

Heard the counsel appearing for the petitioner as well as the learned Public Prosecutor appearing for the State.

2. The present Criminal Petition is filed by the sole accused to quash the proceedings initiated against him in Crime No. 25 of 2011 for the offences punishable under section 353, 506 and 509 of IPC on the file of Rural Police Station, Chilakaluripet, Guntur district.

3. The facts of the case are that on 30/03/2011, the second respondent lodged a complaint before the Tahsildar, Chilakaluripet to the effect that on 30/03/2011 at about 08:30 in the morning when she was discharging her duties in collection of tax in Gopalamvaripalem village, the petitioner called her and abused in filthy language, since the second respondent requested his father for payment of the tax. While doing so, not only he abused the second respondent in filthy language but also threatened her saying that he will not pay the tax. In that

connection, she lodged a complaint to the Tahsildar, Chilakaluripet Mandal. The Tahsildar, Chilakaluripet Mandal, in turn addressed a letter dated 30/03/2011 to the Station House Officer, Chilakaluripet Rural Police Station, Guntur district, requesting to file a criminal case against the petitioner for obstructing/hampering the official duty of the village servant so as to enable their staff to perform the duties without fear. In pursuance of the said complaint, the Station House Officer, Chilakaluripet Rural Police Station, registered a case, vide FIR.No. 25 of 2011 for the offences punishable under section 353, 506 and 509 of IPC. Aggrieved by the same, the present criminal petition is filed.

4. The counsel appearing for the petitioner would contend that the complaint given by the second respondent to the Tahsildar is only seeking protection to her since there is every possibility that she may be attacked. Further she being Scheduled Caste woman requested the Tahsildar to give her protection. Further in the letter addressed by the Tahsildar to the Station House Officer, Chilakaluripet Rural Police Station, it is mentioned that the petitioner obstructed the second

respondent while discharging her duties in collecting tax in Gopalavaripalem village and threatened her by saying “ **YEMTI SISTU KATTEDI BOCHCHA** ”. Basing on the same, the counsel would submit that the wording used in letter dated 30/03/2011 is not there in the representation submitted by the second respondent to the Tahsildar. Therefore, the proceedings initiated against petitioner are liable to be quashed.

5. Per contra, the learned Public Prosecutor would submit that from the contents of the representation given by the second respondent and the letter addressed by the Tahsildar to the Station House Officer, Chilakaluripet Rural Police Station, it is crystal clear that the petitioner obstructed the second respondent from discharging the official duties while collecting the taxes in Gopalavaripalem village. The Public Prosecutor also brought to the notice of the Court that crime is at the investigation stage and as such, the proceedings initiated against the petitioner cannot be quashed at this stage.

6. Be that as it may, the contents of both letters and the material enclosed to the Criminal Petition, reveal that the petitioner obstructed the second respondent while she was discharging her duties in Gopalavaripalem village while she was collecting the taxes. As far as the submission made by the counsel for the petitioner that the wording used by the Tahsildar is not found place in the complaint given by the second respondent is concerned, it is settled law that the complaint is only a piece of information to set the law into motion. When once the intention of the petitioner is brought out in the form of obstructing the second respondent from discharging the official duties while collecting the taxes and threatened her with abusive language, it cannot be said that no case is made out against him. More so, when the crime is at the investigation stage, this Court cannot interfere in the investigation process. The contents of both the complaints prima facie indicate that the petitioner has committed the offences as enumerated under section 353, 506 and 509 of IPC. Therefore, there are no merits in the Criminal Petition and accordingly the Criminal Petition is dismissed. However, if

the presence of the petitioner is required during the course of investigation, the Station House Officer, Chilakaluripet Rural Police Station is directed to follow the procedure as contemplated under section 41-A of Cr.P.C., as per law.

7. In the result, the Criminal Petition is dismissed.

8. As a sequel, interim stay granted is vacated and miscellaneous petitions if any, pending in this criminal petition shall stands closed.



JUSTICE P. KESHA RAO.

HONOURABLE SRI JUSTICE P. KESHA RAO

CRIMINAL PETITION NO. 3129 OF 2011
[DISMISSED]



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