

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2447 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed requesting to quash the proceedings in C.C.No.251 of 2010 on the file of Additional Metropolitan Magistrate (FAC), Anakapalli.

2. Petitioner – Gedela Lakshmi Ganeswara Rao is the sole accused in the aforesaid Calendar Case, which is pending since 2010. He alleged to have committed the offences punishable under Sections 420, 447, 323 and 506 I.P.C.

3. Heard Sri M. Janardhan Rao, learned counsel for the petitioner, and learned Additional Public Prosecutor for the State of Andhra Pradesh.

4. Learned counsel for the petitioner would submit that only 'No Objection Certificate' was issued by the petitioner, who is working as District Survey Inspector, and, therefore, nothing can be faulted with and nothing can be attributed to the petitioner in the direction of fabricating any document or using fabricated document as genuine document and thereby, cheating respondent No.2 - *de facto* complainant. His submission is that subsequently, Cr.No.189 of 2016 of P.M. Palem Police Station, Vishakhapatnam City, was registered against the land owner for the offences punishable under Sections

468, 471 and 420 read with 120B I.P.C. His further submission is that none of the statements of the witnesses would show that the petitioner did take any amount to do some favour or connected with any one of the offences alleged against him.

5. Learned Additional Public Prosecutor would resist the request and would point out that the petitioner has not even surrendered before the Court below and non-bailable warrant has been pending against him.

6. Be that as it may, since, the Calendar Case is of the year 2010, the very fact that the petitioner approaching this Court now for quashment itself would negative the stand taken by the petitioner. Further, certain allegations are levelled against the petitioner and the offences punishable under Sections 420, 447, 323 and 506 I.P.C. have been clutched against him. In such an event, a full-fledged trial is indispensable. Hence, it cannot be said that prosecution of the petitioner would amount to the abuse of process of law, just basing on the submissions made by the learned counsel for petitioner. There is no merit in the present Criminal Petition.

7. Accordingly, the present Criminal Petition is dismissed. Further, no direction can be given to the learned Magistrate, since, it appears, non-bailable warrant is pending against the petitioner. But, the learned counsel for petitioner would submit that the petitioner has been regularly performing his duties as District Survey Inspector. That

being so, nothing prevents the police to act in accordance with law, though, the petitioner is transferred to Krishna District and is on leave, as submitted by the learned Additional Public Prosecutor.

8. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

March 27, 2017.
MD

