

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

[Special Original Jurisdiction]

THURSDAY THE TWENTY EIGHTH DAY DECEMBER
TWO THOUSAND AND SEVENTEEN

PRESENT

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION NO. 1451 OF 2011

Between:

Karanam Balarama Krishna Murthy & Anr. ... Petitioners/A1 & A2

V/s.

The State of Andhra Pradesh
Represented by the Public Prosecutor
High Court of Judicature for the State of
Telangana & Andhra Pradesh,
Through Station House Officer,
Addanki Police Station,
Prakasam district. ... Respondent/complainant

Counsel for the Petitioners :

Sri Nimmagadda Satyanarayana

Counsel for the Respondent :

Public Prosecutor [AP]

The court made the following:

[order follows]

SMT. JUSTICE T. RAJANI**CRIMINAL PETITION NO. 1451 OF 2011****ORDER :**

This Criminal Petition is filed by the petitioners/A-1 and A-2 under section 482 of Cr.P.C., seeking for quashment of the proceedings in STC.No. 120 of 2009 on the file of the Court of Additional Munsif Magistrate, Addanki, Prakasam district.

2. Heard the learned counsel for the petitioners/A-1 and A-2 and the learned Public Prosecutor appearing for the respondent.

3. The counsel for the petitioners/A1 & A2 submit that Cr.No.80/2009 was registered by the Police Addanki for the offences punishable under section 188, 283 read with section 34 of I.P.C., on the complaint lodged by the Tahsildar, Addanki. He relies on a decision of this Court in *PAIAAVULA KESHAVULU V/s. STATE OF ANDHRA PRADESH AND ANR*¹, wherein this Court quashed the proceedings by considering that Section 195 Cr.P.C., is not followed when taking the case to file. Section 195 Cr.P.C., requires a complaint in writing from the public

¹) 2016 [1] ALD {CrI.} 571

servant concerned or by some other public servant to whom he is administratively subordinate. In this case, the Tahsildar, Addanki is the person, who filed the complaint. District Collector is the one who issues promulgations. Hence, he or his superior, to whom he is administratively subordinate, have to file the complaint. Hence, the Tahsildar, Addanki is not the person, who is competent to file the complaint as per Section 195 Cr.P.C. Hence, the prosecution for Section 188 I.P.C., does not stand. So far as the allegation constituting the offence under section 283 I.P.C., is concerned, the complaint reveals that there is obstruction for the pedestrian vehicles. Hence, even if the complaint is not filed as required under Section 195 Cr.P.C., so far as the offence under Section 283 I.P.C., is concerned, the complaint can be sustained.

4. In the result, this Criminal Petition is partly allowed quashing the Proceedings with regard to the offence punishable under Section 188 IPC is concerned. But so far as the quash of the Proceedings for the

offence punishable under section 283 I.P.C., is concerned, against the petitioners/A1 and A-2 is concerned, the petition is dismissed.

5. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand closed.

JUSTICE T. RAJANI.



28/12/2017
I s L

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION NO. 1451 OF 2011

[ALLOWED]



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