

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.10177 of 2017

ORDER:

This Criminal Petition is filed, under Section 482 Cr.P.C., by the petitioners/A.1 to A.4, to quash the charge sheet in C.C.No.962 of 2014 on the file of Judicial Magistrate of First Class, Korutla, for the offences punishable under Sections 120-B, 182, 211 and 153 read with 34 IPC and Section 125 of Representation of People Act, 1951.

2. The main ground urged before this Court is that there is a bar under Section 195 (1) (a) of Cr.P.C., that no Court shall take cognizance for the offences punishable under Sections 172 to 188 IPC and so also the offence punishable under Section 211 IPC, and hence, prays to quash the proceedings against the petitioners in the aforesaid Calendar Case.

3. Learned Additional Public Prosecutor though opposed, law is well settled that this Court following decisions in **Tummala Rama Brahmam & Ram and another v. The State of Andhra Pradesh, rep. by the Public Prosecutor and another¹ S.Purnachandra Rao and another v. State of Andhra Pradesh and another², Jasti Jayalaxmi v. State of Andhra Pradesh and another³ and unreported judgment of this Court in CrI.P.No.5323 of 2009 (N.T.Rama Rao v. The State of A.P., Rep. by Public Prosecutor and another), already decided the issue and held that the Court cannot prosecute the petitioners for the offences punishable under**

¹ 2014 SCC Online Hyd 358

² 2014 (2) ALD (CrI.)674

³ 2014 (2) ALD (CrI.) 682

Sections 182 and 211 IPC. Therefore, by applying the same principle laid down in the above referred judgments, the offences punishable under Sections 182 and 211 IPC are quashed against the petitioners and the learned Magistrate is directed to proceed with the trial in respect of other offences registered against the petitioners.

4. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this petition shall stand closed.

NOVEMBER 03, 2017
YVL

M. SATYANARAYANA MURTHY, J



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Date: 03.11.2017

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