

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.10901 OF 2017

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in Crime No.84 of 2017 of Jaladurgam Police Station, Kurnool District (later taken cognizance and numbered as M.C.No.17 of 2017 by the Sub-Divisional Magistrate, Kurnool) filed for the offence punishable under Section 107 Cr.P.C. on the sole ground that the police have no jurisdiction to register the crime under Section 107 Cr.P.C.

During hearing, learned counsel for the petitioner-accused No.1 reiterated the same contention and the learned Public Prosecutor also fairly conceded that the police have no jurisdiction to register a crime under Section 107 Cr.P.C. and issue FIR.

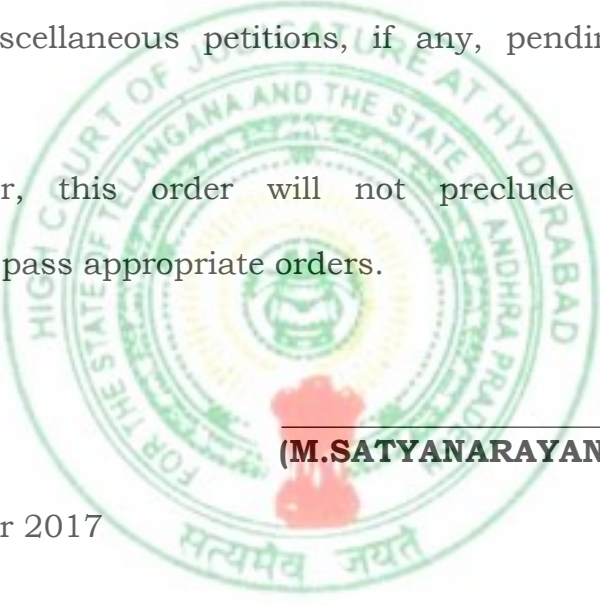
Section 107 Cr.P.C. deals with security for keeping the peace in other cases.

- (1) When an Executive Magistrate receives information that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity and is of opinion that there is sufficient ground for proceeding, he may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond for keeping the peace for such period, not exceeding one year, as the Magistrate thinks fit.**
- (2) Proceedings under this section may be taken before any Executive Magistrate when either the place where the breach of the peace or disturbance is apprehended is within his local jurisdiction or there is within such jurisdiction a person who is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act as aforesaid beyond such jurisdiction.**

Section 107 Cr.P.C. deals with the necessary procedure to be followed by an Executive Magistrate on receipt of information about breach of peace or disturbance of public tranquillity and it is not a crime under the provisions of law and the police cannot register a crime under Section 107 Cr.P.C. and issue FIR. Therefore, the FIR in 162 of 2017 of Jaladurgam Police Station, Kurnool District is hereby quashed on the ground that the police have no jurisdiction.

Accordingly, the Criminal Petition is allowed quashing the FIR in Crime No.162 of 2017 of Jaladurgam Police Station, Kurnool District. Miscellaneous petitions, if any, pending shall stand closed.

However, this order will not preclude the Executive Magistrate to pass appropriate orders.



(M.SATYANARAYANA MURTHY, J)

17th November 2017
RRB