

**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

CRIMINAL PETITION NO.10313 OF 2017

**ORDER:**

This petition is filed under Section 482 of the Code of Criminal Procedure (Cr.P.C.) seeking to quash further proceedings in C.C.No.177 of 2009 on the file of the Judicial Magistrate of First Class at Wanaparthi, Mahabubnagar, District pertaining to Crime No.37 of 2009 of Wanaparthi Police Station, Mahabubnagar District.

Heard the learned counsel for the petitioners-A2 to A4 and the learned Additional Public Prosecutor for the respondent-State. Perused the records.

The learned counsel for the petitioners-A2 to A4 would submit that several other cases pertaining to the same alleged offences were registered against the petitioners on the eve of the elections and criminal petitions filed seeking quashing of proceedings in those cases were all allowed on the ground that the complaints were not instituted in accordance with law. Copies of the orders passed by this Court in CrI.P.Nos.4495, 4889, 4494 and 2579 of 2009 were also placed before the Court, a perusal of which shows that in the said cases also similar allegations pertaining to the same offences were made against the petitioners.

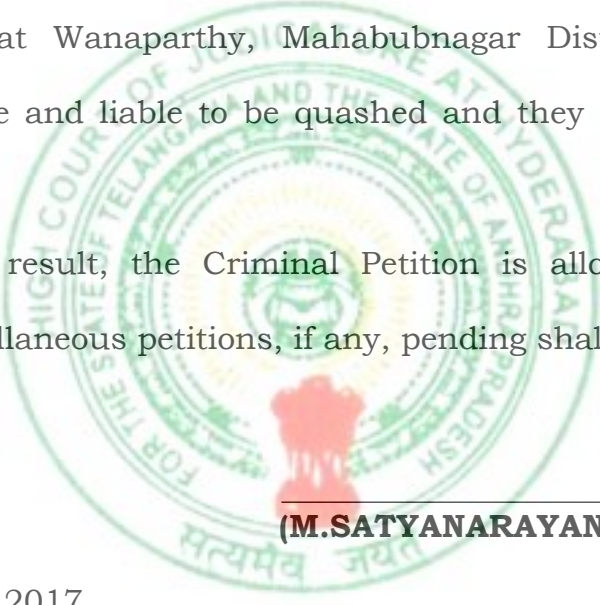
As seen from the orders in the above batch of cases, it was held by this Court that if there is any violation of the order promulgated by the Sub-Divisional Police Officer, within the meaning of Section 188 IPC, the complaint ought to be filed by the SDPO or any other person to whom such SDPO is administratively subordinate and otherwise no Court is competent to take

cognizance of such a complaint in accordance with Section 195(1)(a) of Cr.P.C.

The reasoning furnished in the above orders for quashing the further proceedings in those cases holds good even in respect of the present case also, inasmuch as the offences alleged are the same. Hence, the present case stands covered by the order passed by this Court in the batch of cases referred supra.

According and for the same reasons mentioned in the above batch of cases, further proceedings against the petitioners-A2 to A4 in C.C.No.177 of 2009 on the file of the Judicial Magistrate of First Class at Wanaparthi, Mahabubnagar District, are held unsustainable and liable to be quashed and they are accordingly quashed.

In the result, the Criminal Petition is allowed as stated above. Miscellaneous petitions, if any, pending shall stand closed.



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**(M.SATYANARAYANA MURTHY, J)**

7<sup>th</sup> November 2017  
RRB