

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.12646 of 2017

ORDER

The office raised an objection about the maintainability of the criminal petition under Section 482 of Cr.P.C., but the counsel for petitioner/A2 represented that he has complied with the said objection.

2. It is the case of petitioner/A2 that the 1st respondent lodged a report with the police and after completion of investigation, the police filed charge sheet for the offences punishable under Sections 323 and 509 of IPC against A1 and A2 and the trial is already commenced. The 1st respondent also filed a private complaint for the offences punishable under Sections 323, 509 and 354 IPC. The only grievance of petitioner before this Court is that two parallel proceedings cannot be prosecuted by the 1st respondent.

3. When two cases are pending, one is based on police report under Section 173 of Cr.P.C., and the other is, on the private complaint under Sections 190 and 200 of Cr.P.C., the procedure to be followed as prescribed under Section 210(2) of Cr.P.C., according to it, if a report is made by the investigating police officer under Section 173 and on such report, cognizance of any offence is taken by the Magistrate against any person, who is an accused in the complaint case, the Magistrate shall inquire into or try together the complaint case and the case arising out of the police report as if both cases were instituted on a police report.

4. In view of the specific provision under Section 210(2) of Cr.P.C., the proceedings against the petitioner cannot be quashed on the ground that two parallel proceedings cannot be continued against him. However, the Court below is directed to follow the procedure under Section 210(2) of Cr.P.C.,

5. With the above direction, the Criminal Petition is disposed of.

6. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

15th December, 2017

sj

M. SATYANARAYANA MURTHY, J

