

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL PETITION No.8575 of 2011

ORDER :

This Criminal Petition, under Section 482 Cr.P.C., is filed by the petitioners/A.1 to A.11 to quash the proceedings in Crime No.61/2011 of Ulavapadu Police Station, Prakasam District, registered for the offence punishable under Section 504 IPC.

The petitioners/A.1 to A.11 alleged to have belonged to Y.S.R. Congress Party and they have burnt the effigy of Smt. Sonia Gandhi, who is the President of AICC, on 13.07.2011. In that connection, a complaint was lodged by the 2nd respondent – Village Revenue Officer, Karedu Village, Ulavapadu Mandal, Prakasam District, and basing on the said complaint, the police registered the aforesaid crime.

Heard learned counsel for the petitioners/A.1 to A.11 as well as the learned Additional Public Prosecutor appearing for respondent No.1 – State. Perused the material and evidence on record.

Learned counsel for the petitioners submits that the petitioners have not committed any offence and that burning of effigy does not constitute any offence under Section 504 IPC and the complaint also does not disclose that there is any

intentional insult by burning the effigy of Smt. Sonia Gandhi and, therefore, the aforesaid crime is liable to be quashed.

The learned Additional Public Prosecutor has placed before this Court, a letter dated 16.04.2018 addressed by the S.I. of Police, Ulavapadu Police Station, Prakasam District, which reads as follows:

“..... The 2nd respondent T. Visweswara Rao, Village Revenue Officer, Karedu Village, Ulavapadu Mandal, Prakasam District, submitted a written report on 06.08.2011, wherein he alleged that the accused are supporters of YSR party. The High Court, Hyderabad constituted CBI enquiry on the assets of the Y.S. Jagan, the accused gathered made slogans against Sonia Gandhi, burnt the effigy, insulted and caused public tranquility that occurred on 13.7.2011 at about 11.00 hours in Karedu village, Ulavapadu Mandal. As the contents of the complaint was non-cognizable in nature, after obtaining permission from the Court, a case was registered in Cr.No.61/2011 dated 06.08.2011 for offences u/s.504 IPC against the petitioners herein A.1 to A.11 on the file of Ulavapadu Police Station, Prakasam District, and investigation taken up. During the course of investigation as many as 5 witnesses had been examined and recorded their detailed statements. The investigating officer obtained permission from the Sub Divisional Police Officer, Kandukur to file the final report as “ACTION DROP” vide C.No.213/Ref/DPO/2017, dated 30.06.2017. After serving the notice to the defacto complainant on 10.07.2017, the final report “ACTION DROP” filed on 30.06.2017 before the Addl. Judicial Magistrate of First Class, Kandukur.

It is further submitted that at present there is no law and order problem in the village.”

In view of the above letter dated 16.04.2018 addressed by the Sub-Inspector of Police, Ulavapadu Police Station, as the action was dropped, no further orders are required in this matter.

Accordingly, this Criminal Petition is closed. Interim stay granted by this Court on 20.09.2011 shall stand vacated.

As a sequel, miscellaneous petitions if any, pending in this Criminal Petition stands closed.

GUDISEVA SHYAM PRASAD, J

19.04.2018.
Msr



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