

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.817 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.1 and 2, seeking to quash the proceedings in C.C.No.347 of 2014 on the file of the X Additional Chief Metropolitan Magistrate at Secunderabad, registered for the offence under Section 188 I.P.C.

2. Heard the learned counsel for the petitioners/accused Nos.1 and 2, learned Assistant Public Prosecutor representing the 1<sup>st</sup> respondent-State and perused the record.

3. The learned counsel for the petitioners/accused Nos.1 and 2 would submit that the prosecution launched against the petitioner/accused Nos.1 and 2 for the offence under Section 188 of I.P.C. is not in accordance with law. He has relied on a decision rendered by this Court in Kottu Satyanarayana v. State of Andhra Pradesh<sup>1</sup>.

4. The material on record reveals that one police constable gave a report, dated 17.04.2014, to the Station House Officer, Chilkaiguda Police Station. On that, this crime is registered and investigated. Thereafter, charge sheet is filed and the same is numbered as C.C.No.347 of 2014 and the learned Magistrate has taken cognizance and issued process for appearance of the petitioners/accused Nos.1 and 2. As per the language envisaged

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<sup>1</sup> 2015(1) ALD (CrL) 572 (AP)

under Section 195 Cr.P.C., public servant concerned has to lodge a complaint as required under the Code of Criminal Procedure, 1973, for the offence under Section 188 I.P.C. There is no such complaint in this case. The person who is competent to set the law in motion is detailed in Section 195 Cr.P.C. No such person has lodged complaint. In view of the language envisaged under Section 195 Cr.P.C., the instant complaint is barred. The facts and circumstances of the case are similar to the facts and circumstances referred in the above citation. Under these circumstances, the proceedings in the instant crime are liable to be quashed.

5. Accordingly, the Criminal Petition is allowed and the proceedings in C.C. No.347 of 2014 on the file of the X Additional Chief Metropolitan Magistrate at Secunderabad, against the petitioners/accused Nos.1 and 2 are quashed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

29<sup>th</sup> January, 2018  
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Dr. SHAMEEM AKTHER, J