

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.1446 of 2016

ORDER:

The petitioners are accused Nos.1 to 6 of crime No.106 of 2015 of Bollarum Police Station, Hyderabad, registered for the offences punishable under Sections 418 & 420 r/w 34 IPC on the private complaint of the 2nd respondent-defacto complainant in SR.No.8323 of 2015 dated 20.11.2015 that was referred to police for investigation under Section 156(3) Cr.P.C. in registration of said crime.

A perusal of the note put up on private complaint of the defacto complainant shows there is no mention of giving of police report and filing proof of it besides filing of affidavit as per the guidelines of **Priyanka Srivastava Vs. State of U.P.**¹.

However a perusal of the private complaint at page No.6 out of 2 documents one is the report given to the SHO and another is general body meeting agenda and resolution.

It is the submission of the learned counsel for the complainant that in the complaint there is verification about the facts are true. That in fact is not sufficient as per the guidelines of **Priyanka Srivastava** supra filing of the affidavit along with the complaint is mandatory.

Having regard to the above, the reference order of the learned Magistrate is set aside and if at all any affidavit to be filed to file and on affidavit filed to refer by Magistrate afresh

¹ (2015) 6 SCC 287

to re-register the FIR as per Section 156(3) Cr.P.C. reference supported by reasons.

Accordingly and in the result, this Criminal Petition is allowed to that extent.

Miscellaneous petitions, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 24.12.2018
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