

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.11970 of 2013

ORDER:

This petition is filed, seeking for setting aside the order, dated 19.09.2013, passed by the Special Sessions Judge for SC ST (POA) Cases cum VII Additional District & Sessions Judge, Warangal, in CrI.R.P.No.11 of 2012. By virtue of the said order, the revisional court dismissed the petition, which was filed questioning the order, dated 23.01.2012, passed by the Judicial Magistrate of First Class, Thorrur in Private Complaint Case SR No.823 of 2008.

2. Heard the counsel for the petitioners as well as the counsel for the 1st respondent and the Public Prosecutor appearing for the 2nd respondent.

3. The counsel for the petitioners submits that earlier the complainant filed a petition on 12.02.2008 with the same allegations and a final report was also filed stating that the action was dropped and the complainant now files a fresh complaint with the same allegations.

4. A perusal of the complaint shows that the allegations made in the earlier complainant and the present complaint are one and the same. The revisional court, however, dismissed the petition considering that the Magistrate has power to take cognizance of the case irrespective of the final report being filed. The counsel for the petitioner submits that the power of the Magistrate to

take cognizance irrespective of the final report was never questioned by the petitioner and that it is only the reasons for taking cognizance that were questioned.

5. Hence, as already observed, when an earlier report was filed and the same was closed as action dropped, there cannot be another report with the same allegations with the same cause of action.

6. Considering the above, this court opines that this is a fit case for quashing the proceedings against the petitioners.

7. Accordingly, the Criminal Petition is allowed setting aside the order, dated 19.09.2013, passed by the Special Sessions Judge for SC ST (POA) Cases cum VII Additional District & Sessions Judge, Warangal, in CrI.R.P.No.11 of 2012.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

August 23, 2018
LMV

T. RAJANI, J