

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.11872 of 2011

ORDER:

This petition is filed, by the petitioner, who is A1, seeking for quash of the proceedings in C.C.No.767 of 2006 on the file of the Court of VIII Metropolitan Magistrate, Cyberabad at Rajendranagar, Ranga Reddy District. The offences alleged are under

Sections 109, 120-B, 166, 167, 189, 339, 340 and 503 r/w 34 IPC.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the 1st respondent. None appears for the 2nd respondent in spite of notice.

3. The counsel for the petitioner submits that this petitioner was working as Station House Officer, Rajendranagar Police Station at the relevant point of time. The allegation against this petitioner is that he did not act on the complaint given by the complainant with regard to the allegations against A2 to A4. The complainant approached this court by way of W.P.No.14796 of 2006 seeking relief for the said inaction on the part of A1 and the averments in the complaint that this court directed the complainant to initiate action under Section 190 Cr.P.C., are totally false. He draws the attention of this court to the order, dated 14.09.2006, passed in the said writ petition, wherein there was no specific direction made to the complainant

to file a case against the petitioner under Section 190 Cr.P.C. The court while dismissing the writ petition gave liberty to the petitioner to pursue appropriate remedies either before the Civil Courts or criminal courts of competent jurisdiction in respect of any subsisting or potential grievance for transgression of any Court orders or otherwise, in accordance with law. It made clear that nothing in the order shall be construed by any Court or authority as an expression by this Court on merits of the petitioner's claims, contentions or assertions and these are set out only for the purpose of providing a foundation for the eventual order.

4. Hence, it appears that even in the order passed in the writ petition, liberty granted to the petitioner is only when there is any potential grievance for transgression of any court orders or otherwise. Section 166 IPC reads as follows:

“166. Public servant disobeying law, with intent to cause injury to any person — Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine or with both.”

5. A reading of the complaint does not in any way show that there was any disobedience by the petitioner with an intention to cause injury to the complainant. The allegation is only that this petitioner did not act on the complaint given by him. Hence, the alleged acts of the petitioner do not attract the offence under Section 166 IPC and hence, this court opines that it would be an

abuse of process of law to continue the proceedings against the petitioner.

6. With the above observations, the Criminal Petition is allowed and the proceedings in C.C.No.767 of 2006 on the file of the Court of VIII Metropolitan Magistrate, Cyberabad at Rajendranagar, Ranga Reddy District, are hereby quashed.

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

September 7, 2018
LMV

T. RAJANI, J

