

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.5803 OF 2013

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners - accused Nos.1 to 7 seeking to quash the proceedings in Calendar Case No.295 of 2011 on the file of the learned Additional Judicial Magistrate of First Class, Tuni, registered for the offences punishable under Sections 429 and 436 read with 34 of the Indian Penal Code, 1860.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor for the State of Andhra Pradesh appearing for respondent No.1. No representation for respondent No.2 despite entering appearance.

3. The learned counsel for the petitioners takes this Court to the background history of the case. He submits that with regard to the same incident, there was a complaint filed earlier, which was registered as Crime No.4 of 2008, and after due enquiry, the police filed charge sheet deleting the names of petitioner Nos.2 and 3 herein and, finally, closed the case. Aggrieved by the said closure report, the complainant approached the Tahsildar, Tuni Rural Mandal, who, in turn, deputed a Revenue Inspector to enquire into the matter and accordingly, the Revenue Inspector conducted an enquiry, recording the statements of witnesses, wherein some persons mentioned the names of the petitioners. Subsequently, the complainant filed a private complaint,

which was referred to the police under Section 156 (3) of the Code for investigation and report. After due investigation, a final report was filed referring the case as false. Without filing any protest petition against the closure report in Crime No.4 of 2008, the complainant files a private complaint with the same allegations and based on the same cause of action. In view of the same, this Court opines that the complaint cannot be sustained.

4. Hence, considering the above, the present Criminal Petition is allowed, and all further proceedings in Calendar Case No.295 of 2011 on the file of the learned Additional Judicial Magistrate of First Class, Tuni, against the petitioners are hereby quashed.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition stand closed.

November 16, 2018
Mgr



SMT. T. RAJANI, J