

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.5357 OF 2018

ORDER:

This criminal petition is filed under Section 482 Cr.P.C to quash the proceedings in M.C.No.4 of 2016 on the file of Sub-Divisional Magistrate, Kavali, SPSR Nellore District.

On receiving complaint on 22.06.2016, proceedings were initiated under Section 107 Cr.P.C against Chodavaram Surendranath Reddy, Chodavaram Vasavi, Chodavaram Prem Kumar Reddy, Chodavaram Narendranath Reddy, Pulimi Vijaya Kumar Reddy on various grounds and still it is pending before the Sub-Divisional Magistrate, Kavali.

In the present petition, the ground raised before this Court is that, the order of the Sub-Divisional Magistrate under Section 107 Cr.P.C will be in force for a period of one year and thereafter, the proceedings will come to an end in view of Section 107 Cr.P.C itself. Therefore, it is urged that the proceedings in M.C.No.4 of 2016 are liable to be quashed.

At the stage of admission, learned counsel for the petitioners reiterated the grounds urged in the petition.

Section 107 Cr.P.C deals with Security for keeping the peace in other cases. According to it,

- (1) When an Executive Magistrate receives information that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity and is of opinion that there is sufficient ground for proceeding, he

may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, (with or without sureties,] for keeping the peace for such period, not exceeding one year, as the Magistrate thinks fit.

(2) Proceedings under this section may be taken before any Executive Magistrate when either the place where the breach of the peace or disturbance is apprehended is within his local jurisdiction or there is within such jurisdiction a person who is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act as aforesaid beyond such jurisdiction.

The contention of the learned counsel for the petitioners is that the proceedings will continue only for one year. But, it is clear from the record that the proceedings were initiated and common order was passed requiring the petitioners to execute a bond with or without sureties for keeping peace for such period not exceeding one year, but proceedings were not terminated due to non-execution of bond. Mere pendency of the petition for a period of more than a year, is not a ground to quash the proceedings. Even according to Clause (1) of Section 107 Cr.P.C, the bond required to be executed will continue to be in force for a period of one year, for keeping peace and tranquillity. Therefore, on the ground of pendency of the petition, the proceedings cannot be quashed. If, for any reason, the Executive Magistrate issued a notice and passed any order calling upon the petitioner to execute a bond, with or without sureties, for a period of one year, to maintain peace and

tranquillity, then the bond shall be deemed to expire after one year from the date of such execution for keeping public peace and tranquillity.

Hence, the delay in disposal of M.C.No.4 of 2016 and pendency for four years is not a ground to quash the proceedings. Hence, I find no substance in the contention raised by the learned counsel for the petitioners at this stage and the criminal petition is liable to be dismissed. However, in view of pendency of M.C.No.4 of 2016 for such a long period, the Sub-Divisional Magistrate, Kavali is directed to dispose of M.C.No.4 of 2016, as expeditiously as possible, in any event not later than three months from the date of receipt of copy of this order.

In the result, the criminal petition is dismissed.

Consequently, miscellaneous applications pending if any, shall also stand dismissed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:06.06.2018

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