

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.3747 of 2011

ORDER:

This petition is filed, by the petitioners, who are the accused, seeking for quash of the proceedings against them, in Crime NO.70 of 2011 of Jammalamadugu Police Station, Kadapa District. The offences alleged against the petitioners are under Section 188 IPC.

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

3. The counsel for the petitioners crisply submits that under Section 195 Cr.P.C., the police cannot investigate into the matter by registering the case directly and it is the Magistrate, who has to take cognizance of the matter on a complaint that is filed by the Public Servant. In this case, considering that the petitioners/accused have violated the promulgation that was issued, the police directly registered a case against them and proceeded, which, in view of the procedure laid down under Section 195 Cr.P.C., cannot be sustained.

4. In view of the above, this court opines that continuation of further proceedings against the petitioners would result in abuse of process of law.

5. With the above observations, the Criminal Petition is allowed and the proceedings against the petitioners in Crime No.70 of 2011 of Jammalamadugu Police Station, Kadapa District are quashed.

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

August 27, 2018
LMV

T. RAJANI, J

