

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 6363 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') to quash the proceedings in crime No. 59 of 2016 of Pedanandipadu Police Station, Guntur District.

2. The Police, Pedanandipadu, Guntur District, registered the above crime against the petitioner initially for the offences punishable under Sections 409, 420 and 500 of IPC. After investigation, the investigating agency filed memo dated 31-08-2017 seeking leave of the jurisdictional Court to add penal provisions under SC ST (POA) Act and accordingly added.

3. The main contention of learned counsel for the petitioner before this Court is that the petitioner did commit no offence much less the offence punishable under the provisions of SC ST (POA) Act and that the allegations made in the complaint even if accepted on its face value would not constitute any offence.

4. The *de facto* complainant lodged a report with the police making serious allegations and on the strength of the report, the above crime was registered and issued FIR initially for the offences punishable under Sections 409, 420 and 500 of IPC. The said proceedings were challenged before this Court in Criminal Petition No. 12693 of 2016 and this Court by order dated 07-09-2016 disposed of the same holding that it was not inclined to interfere with the proceedings initiated against the petitioner in view of the nature of offences alleged against him. Thus, this Court in Criminal Petition No. 12693 of 2016 already concluded that there was *prima facie* material to proceed against the petitioner for the offences punishable under Sections 409, 420 and 500 of IPC. Thereafter,

consequent upon adding the provisions of SC ST (POA) Act, the petitioner filed the present petition. Since Criminal Petition No. 12693 of 2016 filed for quashing crime No. 59 of 2016 of Pedanandipadu Police Station, registered for the offences punishable under Sections 409, 420 and 500 of IPC was already disposed of by this Court by order dated 07-09-2016, this Court need not examine again the legality of the proceedings. If for any reason this Court interferes with the order, it amounts to reviewing the order passed by this Court but this Court cannot exercise such power in view of the bar under Section 362 of Cr.P.C. The Apex Court time and again held that filing of successive applications under Section 482 of Cr.P.C. is impermissible and deprecated such practice. Therefore, in view of the law declared by the Apex Court, I find no ground to quash the proceedings for the offences punishable under Sections 409, 420 and 500 of IPC.

5. The other Section added in view of the permission granted by the jurisdictional Court is Section 3 (1) (r) of SC ST (POA) Act. The ground raised by learned counsel for the petitioner before this Court is that the allegations made in the complaint would not constitute an offence punishable under the provisions of SC ST (POA) Act. As can be seen from the material on record, the investigation is not yet completed and the investigation so far done in this case is not in the lines of finding truth or otherwise in the allegations made in the complaint to attract the offence punishable under Section 3 (1) (r) of SC ST (POA) Act. It is, therefore, for the investigating agency to find out whether or not any such offence is committed by the petitioner after investigation and if any such offence is committed by the petitioner as per material collected during investigation, I am sure that the investigating agency will file final report in accordance with law for the offence committed by the petitioner.

6. With the above observation, the criminal petition is dismissed at the stage of admission. Pending miscellaneous petitions, if any, in this criminal petition shall stand dismissed in consequence.

Date: 03-07-2018.

M.SATYANARAYANA MURTHY, J.

JSK

