

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 6829 OF 2018

ORDER:

This criminal petition is filed under Section 482 of the Code of Criminal Procedure (for short, "Cr.P.C.") by the petitioner, who is not arrayed as accused, to quash the proceedings in crime No. 135 of 2018 of Kurnool III Town Police Station, Kurnool District, registered for the offences punishable under Section 353 read with Section 34 of IPC and Sections 3, 4 and 9 (1) of A.P. Gambling Act.

2. The main contention of learned counsel for the petitioner before this Court is that the petitioner was not present at the time of incident and thereby question of the petitioner obstructing the police officials from discharging their duties to attract the offence punishable under Section 353 of IPC does not arise and therefore requested this Court to quash the proceedings to the extent of 353 of IPC. Learned Public Prosecutor (A.P.) has also fairly submitted that the allegations made in the remand report do not disclose the presence of the petitioner at the time of alleged obstruction of Head Constable while on duty. He has however drawn the attention of this Court to the confessional statement of accused No. 1 to establish that the petitioner is also connected with the other offences.

3. As seen from the material on record, the petitioner was not present at the time of alleged incident of obstructing or deterring the Head Constable while discharging his duties to attract the offence punishable under Section 353 of IPC. Hence, I find no material to proceed against the petitioner for the offence punishable under Section 353 of IPC.

4. The criminal petition is accordingly partly allowed quashing the proceedings against the petitioner in crime No. 135 of 2018 of Kurnool III Town Police Station, Kurnool District, with regard to the offence punishable under Section 353 of IPC while permitting the investigating agency to proceed against the petitioner for the offences punishable under Sections 3, 4 and 9 (1) of A.P. Gambling Act. Pending miscellaneous petitions, if any, in this criminal petition shall stand closed in consequence.

Date: 05-07-2018.

M.SATYANARAYANA MURTHY, J.

JSK

