

SMT JUSTICE T.RAJANI
CRIMINAL PETITION No.2582 OF 2013

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioners/Accused seeking to quash the proceedings in C.C. No.3002 of 2010, pending on the file of the Court of III Additional Chief Metropolitan Magistrate, Hyderabad (for short, 'the trial Court'), registered for the offences punishable under Sections 499 and 500 of I.P.C.

2. Heard the learned counsel for the petitioners, learned Public Prosecutor, appearing for the 1st respondent – State, and the learned counsel for the 2nd respondent – *de-facto* complainant.

3. Learned counsel for the petitioners submits that the Magistrate did not follow the procedure, prescribed under Section 199 of Cr.P.C., and referred the matter to the Police, who subsequently filed charge sheet after investigation.

4. Learned counsel appearing for the 2nd respondent – *de-facto* complainant also does not deny the fact that there is procedural irregularity on the part of the Magistrate, in taking cognizance of the case and referring it to the Police concerned.

5. Hence, by following the judgment of this Court in ***Boddu Yohan Vs. Sub-Inspector of Police, Chinthalapudi P.S., West Godavari District and another***¹, wherein the order of taking cognizance and referring the case to the Police was quashed, and by following the judgment of this Court in Criminal Petition No.7451 of 2017, dated 04.01.2017, the matter is remitted to the lower Court, restoring the complaint to the *status-quo ante*, and the Magistrate is directed to proceed further strictly in accordance with Section 199 of Cr.P.C.

6. Accordingly, with the above observation, the Criminal Petition is disposed of.

¹ 2013 (1) ALD (CrL.) 110 (AP)

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

T. RAJANI, J

Date: 26.10.2018.
Dsh



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