

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 8810 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') by the petitioners-accused Nos. 1 to 4 to quash the proceedings against them in crime No. 173 of 2018 of Jagtial Town Police Station, Jagtial District, registered for the offences punishable under Sections 448, 420 and 506 (ii) read with Section 34 of IPC.

2. Respondent No. 2 filed a private complaint on the file of the Court of Judicial Magistrate of I Class at Jagtial (for short, 'the Court below') for the offences referred *supra* making serious allegations against the petitioners and the same was referred exercising power under Section 156 (3) of Cr.P.C. by the Court below to police for investigation and report. On reference, the police registered the abovementioned crime.

3. At the hearing, learned counsel for the petitioners has contended that the present complaint was filed in violation of guidelines issued by the Apex Court in ***Priyanka Srivastava Vs. State of Uttar Pradesh***¹ since no affidavit along with the complaint was filed so as to attach more responsibility to the complainant and also failed to give complaint to police concerned before filing the same into the Court.

4. In view of the guidelines issued by the Apex Court in ***Priyanka Srivastava*** (*supra*), it is the duty of the complainant to verify the allegations made in the complaint and also lodge a report with police concerned in compliance of the procedure prescribed under Cr.P.C. and in the event the police failed to register the complaint, the same has to be sent to higher

¹ (2015) 6 SCC 287

authorities by registered post and then only the complainant is entitled to approach Court to file a private complaint. Instead of following the prescribed procedure under Cr.P.C. and the guidelines issued by the Apex Court in **Priyanka Srivastava** (*supra*), the present complaint is filed. Hence, the proceedings against the petitioners are liable to be quashed.

5. The criminal petition is allowed quashing the proceedings against the petitioners in crime No. 173 of 2018 of Jagtial Town Police Station, Jagtial District, however, liberty is given to respondent No. 2 to file complaint afresh following the procedure prescribed under Cr.P.C. and the guidelines issued by the Apex Court in **Priyanka Srivastava** (*supra*). Pending miscellaneous petitions, if any, in this criminal petition shall stand closed in consequence.

Date: 21-08-2018.
JSK

M.SATYANARAYANA MURTHY, J.

