

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.7266 of 2010

ORDER:

The criminal petition is filed seeking quash of the proceedings in CRLPMP.No.680 of 2009 in CC.No.24 of 2009, against the petitioner, who is the accused, on the file of the Special Judge for SPE and ACB Cases, Vijayawada, by virtue of which the Court below dismissed the petition filed under Section 321 of the Criminal Procedure Code on behalf of the complainant.

2. Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the respondent.

3. The order shows that the Court below declined to permit the prosecution to withdraw the case against the accused considering that the petition filed by the Public Prosecutor did not put forth any reasons for withdrawing the case, except citing G.O.Ms.No.895 dated 22.07.2008 and G.O.Ms.No.1441 dated 05.12.2008. A perusal of the aforesaid G.O's also does not show that any reasons are mentioned for withdrawing the case against the petitioner-accused. It only shows that a representation was given by the accused to the Government stating that he is implicated in false ACB case on local grudges and that he is retiring from service on 30.09.2008 and hence, request was made to drop further action. Except stating that the Government has examined the matter by taking all the aspects into consideration, no reasons are mentioned for the decision to withdraw the prosecution. The Court below had elaborately taken up the issue and

dismissed the petition. This Court, hence, does not find any reason to interfere with the said order.

In the light of the above, the criminal petition is dismissed. However, the complainant is at liberty to file fresh petition mentioning reasons for withdrawing the prosecution against the petitioner – accused. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

December 3, 2018
DSK

T. RAJANI, J

