

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.12144 OF 2011

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners - accused Nos.1 and 2 seeking to quash the proceedings in Crime/F.I.R. No.860 of 2011, dated 09.09.2011 of Sanjeevareddy Nagar Police Station, Hyderabad, registered for the offences punishable under Sections 379 and 506 of the Indian Penal Code, 1860.

2. Heard the learned counsel, Sri Krishnadevan, who argued on behalf of Sri Rama Krishna, learned counsel for the petitioners and the learned Public Prosecutor appearing for the State of Telangana, and also the learned counsel for respondent No.2.

3. The only contention of the learned counsel for the petitioners is that the complaint, which was filed by respondent No.2, is not supported by an affidavit as mandated by the Hon'ble Supreme Court in **Priyanka Srivastava and another v. State of Uttar Pradesh and others**¹. The rationality behind insisting for such affidavit to be filed is to prevent abuse of process as private complaints under Section 156 (3) of the Code are being filed in a routine and casual manner without taking any responsibility whatsoever, only to harass certain persons. In this regard, the learned Public Prosecutor was directed to get

¹. (2015) 6 SCC 287

instructions as to whether any affidavit was filed along with the private complaint. On instructions, he reports that no such affidavit is filed.

4. Hence, in view of the above circumstances, the dictum of the Apex Court, in the above decision, has to be followed. Accordingly, the present Criminal Petition is allowed and all the proceedings in Crime/F.I.R. No.860 of 2011, dated 09.09.2011 of Sanjeevareddy Nagar Police Station, Hyderabad against the petitioners - accused are hereby quashed.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition stand closed.

December 14, 2018
Mgr



SMT. T. RAJANI, J