

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.10158 of 2018

ORDER:

This Criminal Petition, under Section 482 Cr.P.C., is filed by the petitioners /A.1 and A.2 to quash the proceedings against them in Crime No.160 of 2015 of Jawaharnagar Police Station, Cyberabad District, registered for the offences punishable under Sections 499 and 500 IPC.

2. Respondent No.1-*de facto* complainant filed a private complaint under Section 200 Cr.P.C., making serious allegations against these petitioners and the learned XXI Metropolitan Magistrate, Medchal, knowingly or unknowingly referred the matter to the police exercising the power under Section 156 (3) Cr.P.C; that basing on the said reference, the Station House Officer, Jawaharnagar Police Station registered the aforesaid crime.

3. The sole ground urged before this Court is that the learned Magistrate cannot refer the subject complaint to the police by exercising of power under Section 156 (3) Cr.P.C., when the complaint is for the offences punishable under Sections 499 and 500 IPC and requested the Court to quash the proceedings against these petitioners.

4. This Court ordered notice to the respondents and Sri J.Govardhan Reddy entered appearance on behalf of the 1st respondent.

5. During hearing, learned counsel for the petitioners while reiterating the contentions urged in the petition, placed reliance on

the judgment of the Apex Court in **Subramanian Swamy v. Union of India**¹ and requested the Court to pass appropriate orders, whereas learned counsel for the 1st respondent also requested the Court to pass appropriate orders in accordance with law.

6. The 1st respondent filed a private complaint before the XXI Metropolitan Magistrate, Medchal, for the offences punishable under Sections 499 and 500 IPC, who in turn referred the said complaint to the police under Section 156 (3) Cr.P.C and this question is no more *res integra* in view of law declared by the Apex Court in **Subramanian Swamy's case (supra)**

7. In view of law declared by the Apex Court, referring the private complaint of the 1st respondent-complainant exercising the power under Section 156 (3) Cr.P.C for the offence punishable under Section 500 IPC to the police for investigation is hereby set aside

8. Accordingly, the Criminal Petition is allowed directing the learned XXI Metropolitan Magistrate, Medchal, to conduct necessary trial on the said private complaint stated to have been filed by the 1st respondent-*de facto* complainant, and decide the same in accordance with law.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY,J

OCTOBER 04, 2018

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¹ 2016 (2) ALT (CrL.) 170 (SC)

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Date:04.08.2018

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