

**SMT. JUSTICE T. RAJANI**

**CRIMINAL PETITION No.11853 OF 2011**

**ORDER:**

The present Criminal Petition is filed, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code'), by the petitioner - respondent No.1 seeking to quash the order, dated 14.11.2011, passed in M.C. No.34 of 2011, by the Mandal Executive Magistrate and Tahsildar, Mydukur under Section 145 of the Code.

2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the State of Andhra Pradesh.

3. Learned counsel for the petitioner submits that the order is passed without observing the mandate under Section 145 (1) of the Code, according to which, a notice has to be given to the petitioner after making an order under Section 145 of the Code. Learned Assistant Public Prosecutor fairly submits that in similar circumstances where as notice was not given to the petitioner, a learned Single Judge of this Court, by order, dated 10.07.2018, in Criminal Petition No.7037 of 2018, set aside such order.

4. Hence, following the order, dated 10.07.2018, in CrI.P. No.7037 of 2018 passed by this Court, the present Criminal Petition is allowed and the order, dated 14.11.2011, passed in M.C. No.34 of 2011, by the Mandal Executive Magistrate and Tahsildar, Mydukur under Section 145 of the Code is hereby set aside.

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

**October 29, 2018**  
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**SMT. T. RAJANI, J**

