

HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

CRIMINAL PETITION No.9671 OF 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in Crime No.59 of 2011 of Atlur Police Station, YSR District, Kadapa.

The petitioner/A.2 is the owner of the contract carriage bus bearing R.No.KA05 AC 6611. A.1 is the driver of the said bus. The said bus met with an accident on 17.09.2011. One Pranya Reddy, who is one of the passengers, has given his statement with regard to the accident. He stated that 55 passengers including children were travelling in the said bus. Due to the rash and negligent driving of the driver of the bus, the said accident occurred.

Learned counsel for the petitioner placing reliance on the statement of Pranya Reddy, which was recorded by the police, submits that as per the FIR, only 55 passengers were travelling in the bus. Subsequently, in 161 Cr.P.C. statements, the witnesses have stated that 74 persons travelled in the bus. Therefore, the Inspector of police, who registered the crime against the driver of the vehicle, has also shown the owner of the vehicle, as one of the accused in the remand report. Hence, the petitioner filed this petition to quash the proceedings, in the said FIR, against him.

The contents of the FIR reveals that there are no allegations against the petitioner/A.2 as stated in the remand report. Therefore, as there are no allegations in the FIR against the petitioner/A.2, the proceedings against him in the FIR are liable to be quashed. It is also pertinent to note that the police have filed the copy of the FIR showing

A.1, as driver of the bus, has committed the offence punishable under Section 337 IPC. Police have not registered any other offences against the accused. The copy of the FIR does not reflect the name of A.2, who is the petitioner herein. Therefore, the said FIR is liable to be quashed against the petitioner/A.2. Basing on the FIR, the petitioner herein cannot be roped into the case basing on the statements of the witnesses without there being any allegations against him in the FIR.

In the result, the Criminal Petition is allowed quashing the proceedings against A.2 in Crime No.59 of 2011 of Atlur Police Station, YSR District, Kadapa.

The Miscellaneous Petitions, if any, pending shall stand closed.

Date : 13.04.2018
ssp

GUDI SEVA SHYAM PRASAD, J

