

SMT. JUSTICE T.RAJANI
CRIMINAL PETITION No.8806 OF 2012

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner/Accused No.3, seeking to quash the proceedings in Crime No.542 of 2012, on the file of the Station House Officer, Medipally Police Station, Cyberabad, registered for the offences punishable under Sections 188, 384 and 420 of I.P.C.

2. Heard learned counsel for the petitioner, learned counsel for the 1st respondent – *de-facto* complainant, and learned Public Prosecutor, appearing for the 2nd respondent – State.

3. The allegations in the complaint are that the petitioner, being the Advocate of A-1 and A-2 in this case, has issued public notice on their behalf, violating Section 145 of Cr.P.C. and thereby committed the offence under Section 188 of I.P.C.

4. Learned counsel for the petitioner submits that, in fact, there is no order passed under Section 145 Cr.P.C., except that there are some disputes pending between A-1, A-2 and other party. Learned counsel further submits that A-3 has mentioned the name of the complainant in the public notice only as part of his official duty and he does not have any intention to cheat the complainant.

5. The contents of the complainant, except mentioning that A-3 published notice without any basis, do not spell anything from which one can understand that A-3 had any intention to cheat the complainant. He being an advocate for Accused Nos.1 and 2 might have executed his duties by mentioning the name of the complainant and got published the public notice.

6. Hence, in view of the above, this Court opines that continuation of further proceedings against the petitioner would only be an abuse of process of law.

7. Accordingly, the Criminal Petition is allowed and all further proceedings against the Petitioner/A-3, in Crime No.542 of 2012, on the file of the Station House Officer, Medipally Police Station, Cyberabad, are hereby quashed.

8. As a sequel, miscellaneous petitions, if any, pending in this Petition shall stand closed.

T. RAJANI, J

Date: 30.10.2018.
Dsh



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DSH