

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.10815 OF 2018

ORDER:

The present Criminal Petition is filed, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code'), by the petitioners - accused Nos.1 and 2 to quash the proceedings against them in Crime/FIR No.782 of 2018, dated 19.09.2018, on the file of the Mailardevpally Police Station, Cyberabad, registered for the offence punishable under Section 188 of the Indian Penal Code, 1860 (for short 'IPC').

2. The Inspector of Police, Mailardevpally Police Station, Cyberabad, upon receipt of a written English complaint from Mohammed Zaheeruddin, Government Kazi, registered the aforesaid crime for the aforesaid offence against the petitioners herein. In the said complaint, it is alleged by respondent No.1 - *de facto* complainant that he was appointed as Kazi under Section 2 of the Kazis Act, 1880 for performing marriages in the Qazaath Qile Mohammed Nagar, Hyderabad and Ranga Reddy Districts, that he was empowered to appoint Naib Kazis for performing marriages in his jurisdiction; that he has appointed one Mr. Mohd. Ibrahim Ali as Naib Kazi for performance of marriages in his jurisdiction and allotted some areas in pursuance to the orders issued by the Government; that the petitioners criminally trespassed into his area and performing the marriages and, thus, he reported the matter to the Government, which in turn called for the

explanation from the petitioners; and that he reported the matter to the police. Basing on the said written report, the police registered the aforesaid crime for the aforesaid offence against the petitioners.

3. Challenging the proceedings in the said crime, the petitioners filed the presenting Criminal Petition to quash the same.

4. Section 195 (1) (a) of the Code prescribes that any Court can take cognizance of an offence punishable under Section 188 of Indian Penal Code on the complaint in writing by the public servant concerned or some other public servant to whom he is administratively subordinate. In violation of Section 195 (1) (a) of the Code, registration of crime itself is illegal and continuance of criminal proceedings against the petitioners on such complaint would be an abuse of process of law.

5. As the complaint itself is found to be not in accordance with law, the proceedings in the entire case have to be quashed in the interests of justice.

6. Accordingly, the present Criminal Petition is allowed at the stage of admission itself, and the further proceedings in Crime/FIR No.782 of 2018, dated 19.09.2018, on the file of the Mailardevpally Police Station, Cyberabad, registered for the offence punishable under Section 188 IPC against the petitioners - accused Nos.1 and 2 are hereby quashed.

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

M. SATYANARAYANA MURTHY, J

October 10, 2018
Mgr

