

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12622 OF 2017

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. seeking to quash the proceedings in C.C. No.582 of 2014 on the file of the VI Additional Chief Metropolitan Magistrate at Hyderabad, against the petitioner-accused registered for the offence under Section 188 I.P.C.

2. Heard both sides and perused the record.

3. The learned counsel for the petitioner-accused would submit that there is no required permission to prosecute the petitioner-accused for the offence under Section 188 I.P.C. He has relied on a decision rendered by this Court in **Kottu Satyanarayana v. State of Andhra Pradesh**¹.

4. The material on record reveals that one police constable gave a report dated 28.06.2014 before the Station House Officer, Tappachabutra Police Station. On that this crime is registered and investigated. Thereafter charge sheet is filed and the same is numbered as C.C. No.582 of 2014 and the learned Magistrate has taken cognizance and issued process for appearance of the petitioner-accused. As per the language envisaged under Section 195 Cr.P.C., public servant concerned has to lodge a complaint as required under the Code of Criminal Procedure for the offence under Section 188 I.P.C. There is no such complaint in this case. The person who is competent to set the law in motion is detailed in Section 195 Cr.P.C. No such person has lodged complaint. In view of the language envisaged under Section 195 Cr.P.C., the instant complaint is barred. The facts and circumstances of the case are similar to the facts and circumstances referred in the above citation.

¹ 2015(1) ALD (CrL.) 572 (AP)

Under these circumstances, the proceedings in the instant crime are liable to be quashed.

5. Accordingly, the Criminal Petition is allowed and the proceedings in C.C. No.582 of 2014 on the file of the VI Additional Chief Metropolitan Magistrate at Hyderabad, against the petitioner-accused are quashed. Miscellaneous petitions, if any pending in this case, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 24-01-2018

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