

**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

**CRIMINAL PETITION No.24764 of 2017**

**ORDER:**

This Criminal Petition under Section 482 Cr.P.C. is filed to quash the proceedings in SC.No.78/S?2017 pending on the file of IV Additional District and Sessions Judge-cum-Special Court for trial of offences under SCs and STs (POA) Act, Guntur.

The complainants/ respondents herein are the accused in SC.No.27 of 2017 pending on the file of XIII Additional District and Sessions Judge, Narasaraopet, registered for the offences punishable under Sections 147, 148, 324, 326, 307 and 302 r/w 34 IPC. The petitioners herein, who were arrayed as accused in SC.No.27 of 2017, filed this petition to quash the proceedings on the ground that crime is pending since 2015 and no final report is filed and thereby filing private complaint and taking cognizance by the Magistrate concerned is illegal and requested this Court to quash the proceedings.

Undoubtedly, the crime is pending with the police though three years had elapsed and the police filed charge sheet in the other case, which is registered as SC No.27 of 2017 pending on the file of XIII Additional Special Sessions Judge, Narasaraopet, for the reasons best known to the investigating officer itself. Further, the Investigating Officer did not complete the investigation and even no permission is obtained for extension of time to complete investigation under Section 167(2) Cr.P.C. till date. In such a case, filing of private complaint and taking cognizance by the Magistrate concerned is not an illegal and as the petitioners cannot be deprived of to redress

their grievance against the petitioners in view of the pendency of the crime with the police for investigation and that too it is not a ground to quash the proceedings by exercising power under Section 482 Cr.P.C.

Section 482 Cr.P.C. confers power on this Court to implement the Orders under the Code and to prevent abuse of process or to meet the ends of justice, but not to stifle the legitimate prosecution when the police failed to investigate and file final report before the competent Court having jurisdiction. For the lapses on the part of the police, the respondents cannot be made to suffer and therefore, this court cannot exercise such power under Section 482 Cr.P.C. to quash the proceedings, in view of the guidelines framed by the Apex Court in *State of Haryana v. Ch. Bhajan Lal*<sup>1</sup> and *R.K. Kapoor v. State of Punjab*<sup>2</sup>, and this case would not fall in any of the guidelines framed by the Apex Court.

By applying the principles laid down in the above judgments, I find no ground to quash the proceedings at this stage and the petition is devoid of merit and it is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

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M. SATYANARAYANA MURTHY, J

Dt: 04-07-2018  
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<sup>1</sup> AIR 1992 SC 604

<sup>2</sup> AIR 1963 SC 1388



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