

THE HONOURABLE SRI JUSTICE SANJAY KUMAR
CRIMINAL PETITION Nos.2153 and 2160 of 2019

COMMON ORDER:

The petitioners in CrI.P.No.2153 of 2019 are A.1 to A.4 and A.6 to A.14 in Crime No.327 of 2015 on the file of Chikkadapalli Police Station, Hyderabad, registered under Sections 341 and 188 IPC., while the petitioners in CrI.P.No.2160 of 2019 are A.2, A.3, A.5 to A.9, A.11 and A.12 in Crime No.326 of 2015 on the file of Chikkadapalli Police Station, Hyderabad, registered under the very same provisions of law. They filed the present petitions under Section 482 Cr.P.C. to quash the proceedings in C.C.Nos.786 of 2015 and 2 of 2016 on the file of the learned IX Additional Chief Metropolitan Magistrate, Hyderabad, arising out of the aforestated crimes registered on the file of Chikkadapalli Police Station, Hyderabad.

Sri P.Prabhakar Rao, learned counsel for the petitioners in both the cases, would bring it to the notice of this Court that the issue as to registration of an offence under Section 188 IPC at the behest of a police officer directly was considered in CrI.P.No.11239 of 2018 and by order dated 03.01.2019 passed therein, it was held that an offence under Section 188 IPC could not be registered without taking recourse to the procedure contemplated by Section 195 CrPC. It was further held therein that so far as an offence under Section 341 IPC was concerned, it relates to wrongful restraint and as it was not the case of the police officers that there was any such wrongful restraint, the offence, *prima facie*, was not attracted.

Perusal of the record in the cases on hand demonstrates that the crimes were registered directly upon the complaints made by the police officers concerned without taking recourse to Section 195 CrPC. Further,

neither of the complaints alleged any wrongful confinement of the police officers or any other person, whereby Section 341 IPC would stand attracted. Thus, the proceedings in both the calendar cases are liable to be quashed.

The criminal petitions are accordingly allowed quashing the proceedings in C.C.Nos.786 of 2015 and 2 of 2016 on the file of the learned IX Additional Chief Metropolitan Magistrate, Hyderabad, respectively.

Date:25.04.2019

PGS/GJ

JUSTICE SANJAY KUMAR

