

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

I.A.NOS.2 AND 3 OF 2019 IN CRIMINAL PETITION NO.2427 OF
2019 AND CRIMINAL PETITION NO.2427 OF 2019

COMMON ORDER

CrI.P.No.2427 of 2019 was filed by the accused in Crime No.33 of 2019 on the file of Nampally Police Station, Hyderabad City, to quash the proceedings therein. This crime was registered under Sections 420, 468 and 471 IPC on the strength of the complaint allegedly made by one Moka Geethananda Raju, the second respondent herein.

While so, I.A.Nos.2 and 3 of 2019 were filed in this criminal petition by Moka Geethananda Raju, the second respondent, to permit a compromise and to quash the proceedings in the said crime.

In the affidavit filed in support of I.A.No.2 of 2019, Moka Geethananda Raju, the second respondent, stated as follows:

'2. I humbly submit that I was called by the Nampally Police because the task force police arrested the petitioner/Accused No.1 in some other case and seized laptop from the from the possession of the petitioner or accused and they found my name and Cell number that is why the Nampally Police obtained my signature on some written document and registered the same as a case in crime no. 33 of 2019 Nampally Police Station U/s 420,46,471 IPC. I didn't give any written complaint against the petitioner/Accused No.1. The petitioner/Accused No.1 and his family members approached me and requested to compromise, hence I'm ready and willing to compromise in this matter.'

The second respondent is present in person and produced his Aadhaar card in proof of his identity. The petitioner/accused is also present in person and produced his Aadhaar card in proof of his identity. The second respondent categorically stated in open Court that he had not

made any complaint against the accused and that he was called to Nampally Police Station where he was made to sign on a prepared complaint.

As per the picture now emerging, in the light of the statement made by the second respondent, it appears that a complaint was fabricated by the police themselves so as to implicate the petitioner/accused. Perusal of the FIR demonstrates that in Clause 12 thereof, S.Penta Goud, the Sub-Inspector of Police, portrayed it as if a complaint was made under Section 200 CrPC before the Court and that the FIR was registered on the strength thereof. However, the copy of the so-called complaint dated 13.02.2019 reflects that there was no private complaint filed and the said complaint was addressed directly to the Station House Officer, Nampally Police Station, Hyderabad, and was received by him on 13.02.2019 at 16:30 hours.

In these circumstances, this Court is of the opinion that it would be desirable for the Director General of Police, State of Telangana, to cause an enquiry into the alleged wrong doing by S.Penta Goud, Sub-Inspector of Police, Nampally Police Station, Hyderabad. Needless to state, this kind of misuse of office by a police official, if true, would reflect badly upon the entire police force and send out a wrong signal to the public.

Given the aforestated facts and as the so-called complainant in Crime No.33 of 2019 on the file of Nampally Police Station, Hyderabad City, himself states that the whole case was fabricated and that his signature was obtained on a prepared complaint, this Court finds no purpose served in allowing the police to proceed with the investigation in this crime.

I.A.Nos.2 and 3 of 2019 are accordingly allowed. In consequence, Criminal Petition No.2427 of 2019 is also allowed quashing the proceedings in Crime No.33 of 2019 on the file of Nampally Police Station, Hyderabad City.

However, as already stated *supra*, this is a deserving case where the allegations against S.Penta Goud, Sub-Inspector of Police, Nampally Police Station, Hyderabad, require to be examined so as to prevent any future wrong doing and abuse of power by those in the uniformed service.

Registry is directed to mark a copy of this order to the Director General of Police, State of Telangana, for necessary action.

SANJAY KUMAR, J

26th APRIL, 2019

Note:

A copy of this order shall be marked to the Director General of Police, State of Telangana.

B/o Svv