

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRI.P.No.5999 of 2014

ORDER:

The petitioner is A-2 among all the accused in CC.No.138 of 2014 on the file of the XIV Metropolitan Magistrate, Cyberabad, L.B.Nagar taking cognizance for the offences punishable under Section 182 Cr.P.C which is coming out of the report of the 1st respondent-Sub-Inspector of Police, Pahadishareef and that was registered as Crime No.104/2014 for the offences under Section 182 I.P.C by the SHO on 14.03.2014. After taking cognizance by citing complaint supra, Sub Inspector of Police, Head Constable and Police Constable, the Sub-Inspector of Police-L.W4 who issued FIR filed charge sheet from which the learned magistrate has taken cognizance and the same is now impugned herein.

Heard the learned counsel for the petitioner, learned Public Prosecutor for respondents and perused the grounds urged in the petition vis-à-vis Police file report coming out of the investigation of P.S. from investigation of the crime referred supra. Under Section 195 (1) of Cr.P.C, there is bar to report and file FIR and investigation by Police for the offences under Section 182 I.P.C but for on private complaint.

Having regard to the above, learned magistrate issuing summons by taking cognizance of the FIR is unsustainable.

Accordingly, the Criminal Petition is allowed by quashing the proceedings in C.C.No.138/2014, without going into the other merits of the case. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt. 29.01.2019
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Date: 29.01.2019

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