THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.13790 OF 2018

ORDER:

The petitioners are A-4, A-8 & A-11 among 13 accused of the charge sheet/final report covered by Calendar Case No.435 of 2016, pending on the file of the VI Metropolitan Magistrate, at Medchal, Cyberabad, which is outcome of Crime No.88 of 2016, dated 02.02.2016, registered by the Station House Officer, Jeedimetla Police Station, Cyberabad, basing on the complaint lodged by the Sub-Inspector of Police - K.Srinivas, for the offences punishable under Sections 143, 353 read with 149 of Indian Penal Code (for short, 'IPC').

2. Heard learned counsel for the petitioners and the learned Public Prosecutor for the 1st respondent State and perused the material record.

3. A-2 & A-3 of the Calendar Case filed quash petition earlier and this Court in Crl.P.No.11482 of 2018, by order, dated 27.11.2018, observed categorically with reference to the entire material, particularly at para 5 that it is the whole issue in registration of the offence under Section 353 IPC and mere pushing or coming in contact among several persons 200 to 300 mob in between even the alleged accused 1 to 13 there, it no way attracts the offence under Section 353 IPC, in the absence of intention to use force at least, it is lacking from the very report of the FIR in registration of the crime, no offence under Section 353 IPC that attracts and at best it comes under Section 95 IPC and consequently quashed the said Calendar Case proceedings against them with observations against all accused of no offence made out.

4. Having regard to the above and in view of the covered order supra, the Criminal Petition is allowed by quashing the proceedings against the petitioners/A-4, A-8 & A-11 relating to C.C.No.435 of 2016.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

Date: 29th January, 2019

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THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.13790 OF 2018

Date: 29th January, 2019

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