

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THURSDAY ,THE SECOND DAY OF MARCH

TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 2111 OF 2023

Between:

T.Jeevan Singh, S/o late Bajrangh Singh, Aged about 57 years, Occ. Social Service,
R/o. H.No.13- 6 -457/20, Gayathri Nagar, Shiv Bagh,Asifnagar, Hyderabad.

...PETITIONER/ACCUSED

AND

1. The State of Telangana and another, Rep by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. Y. Hanuman Goud, Age. not Know, Sub Inspector of Police, Police Station, Tappachabutra, Hyderabad.

...RESPONDENT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the record relating to C.C.No. 868 of 2017, on the file of VI Addl. Chief Metropolitan Magistrate, at Hyderabad, Hyderabad and quash the proceedings.

I.A. NO: 1 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant stay all further proceedings including appearance of the petitioner in C.C.No. 868 of 2017, on the file of VI Addl. Chief Metropolitan Magistrate, at Hyderabad, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri KATIKA RAVINDER REDDY ,Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and NONE for the Respondent No. 2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.2111 OF 2023****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused seeking to quash the proceedings against him in C.C.No.868 of 2017 pending on the file of VI Additional Chief Metropolitan Magistrate, At Hyderabad.

2. Heard learned counsel for the petitioner – accused and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. The 2nd respondent is a Sub-Inspection of Police, has filed a complaint against the petitioner stating that he has taken up a rally with party workers on 09.04.2014 on another route contrary to the permission. The permission was sought from Shiva Bagh to Darbar Maisamma Temple. However, without following the said route, the petitioner had taken another route. On the basis of complaint, charge sheet has been filed by Tappachabutra Police.

4. The Court is prohibited from taking cognizance under Section 188 of IPC as per Section 195(1) of CR.P.C.

Section 195(1) of Cr. P.C. says that no Court shall take cognizance of any offence punishable under Sections 172 to 188 of IPC except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate.

5. For the reason of charge sheet being filed on the basis of a complaint, the proceedings are liable to be quashed.
6. Accordingly, the Criminal Petition is allowed and proceedings in C.C.No.868 of 2017 pending on the file of VI Additional Chief Metropolitan Magistrate, At Hyderabad are quashed. No costs.

Miscellaneous applications pending, if any, shall stand closed.

Sd/-N.SRIHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VI Additional Chief Metropolitan Magistrate at Hyderabad
2. One CC to SRI. KATIKA RAVINDER REDDY, Advocate [OPUC]
3. Two CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad. [OUT]
4. Two CD Copies.

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HIGH COURT

DATED:02/03/2023

ORDER

CRLP.No.2111 of 2023



ALLOWING THE CRIMINAL PETITION.

⑦ Copies
Sm
12/4/23