

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.1289 of 2023

Order:

This Criminal Petition, under Section 482 Cr.P.C., has been filed on behalf of the petitioner/A-4 to quash the proceedings in CC No.244 of 2019 on the file of the learned Additional Junior Civil Judge, Chirala, Prakasam district.

2. A charge sheet has been filed against the petitioner herein and others for the offences punishable under Sections 353, 188 read with 34 IPC, Section 32 of the Police Act and Section 7(1) of the Criminal Law Amendment Act.

3. Case of the prosecution is, briefly, as follows. On 11.03.2019 the Election Commission of India issued notification to conduct general elections for the House of Assembly, Andhra Pradesh and for the House of Parliament, India. Accused No.1, who is the sitting MLA, Chirala Assembly Constituency, filed nomination as contesting candidate of MLA, Chirala on behalf of YSR Congress Party. On 09.04.2019, at about 13.00 hours, on credible information that accused No.1 gathered about 2000 people in his vacant site situated at Rajaka colony, Pandillapalli village, Vetapalem Mandal and conducting public meeting without taking any prior permission from the concerned officials, LWs.1 to 7-D.Raja Rao, Sub Inspector of Police and others, proceeded there and on seeing them accused Nos.1 to 4 abused them

and at the instigation of accused No.1, A2 to A4 obstructed them from doing their lawful duties.

4. Learned counsel for the petitioner herein submits that omnibus accusations have been made as against the petitioner herein/A4 and other accused that they abused LWs.1 to 7-D.Raja Rao, Sub Inspector of Police and others. He also submits that no specific overt acts have been attributed against the petitioner herein.

5. On the contrary, learned Assistant Public Prosecutor submitted that specific overt acts have been attributed against the petitioner herein and others that they abused LWs.1 to 7- D.Raja Rao, Sub Inspector of Police and others, and obstructed them from discharging their official duties and truth or otherwise of the said accusations has to be decided during the course of trial.

6. Heard. Perused the record.

7. The accusations against the petitioner herein is that he along with other accused abused LWs.1 to 7- D.Raja Rao, Sub Inspector of Police and others in a meeting and they obstructed them from discharging their lawful duties. It is also mentioned in the charge sheet that A1 instigated accused Nos.2 to 4 and some others to obstruct LWs.1 to 7- D.Raja Rao, Sub Inspector of Police and others from discharging their lawful duties by stating that 'the supporters are in angry mood'. These are all disputed questions of fact that have to

be decided during the course of trial and this Court, in a petition filed under Section 482 Cr.P.C., could not be in a position to conduct a roving enquiry into the disputed questions of fact and quash the proceedings at this stage.

8. In view of the aforesaid facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioner herein. However, the presence of the petitioner herein/A-4 before the trial Court is dispensed with, except on those dates when the learned Magistrate feels that his presence is necessary.

9. With the above observation, the Criminal Petition is disposed of.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

K. SREENIVASA REDDY, J.

Date:20.02.2023

Nsr

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