

Order below Exh. 1 in S.C.C.No.- 1141/2022
(State of Maharashtra Vs.Haidar Metkari & Ors. 2)

This is a summons case instituted upon police report for the offence punishable under section 188 of the Indian Penal Code. This case was instituted on 12/10/2022. However, as per section 195 of Cr.P.C. court shall not take cognizance of any offence p/u/s 172 to 188 of I.P.C. except on the complaint in writing of the public servant concern or of some other public servant to whom he is administratively subordinate. As per section 340 of Cr.P.C. there is procedure to be followed in cases mentioned in section 195 of Cr.P.C. However, said procedure is not followed in present case and directly final report under section 173 of Cr.P.C. is filed. Therefore, as there is bar under section 195 of Cr.P.C. to take cognizance, no cognizance can be taken against this accused. Hence, this proceeding is liable to be stopped. Hence, the following order.

ORDER

1. The proceedings is stopped vide section 258 of Criminal Procedure Code.
2. The accused no. 1 to 3 are discharged for offence p/u/s 188 of the Indian Penal Code.
3. Muddemal shall disposed off as per rules after expiry of appeal period.

Phaltan.
Dt.-07/02/2023

(S. B. Dhawale)
Jt. J.M.F.C, Phaltan.