

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**MONDAY THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 2778 OF 2025



Between:

1. Chintha Shiva Shankar Reddy, S/o C. Narasimha Reddy, aged about 30yrs, R/o Veerapuram village, Tadipatri Mandal, Ananthapuramu Dt.
2. Chimbili Prasad Naidu, S/o Ramanna, aged about 51 yrs, R/o Akkannapalli Village, Tadipatri Mandal, Ananthapuram Dt.

...PETITIONER/ACCUSED

AND

1. The State Of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhar Pradesh, Amaravathi.
2. T. Jeelani Basha, S/o TMD. Khassem, aged about 52yrs, EOPR and RD Tadipatri, Tadipatri Constituency, Tadipatri, Ananthapuram.

...RESPONDENT/COMPLAINANTS

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 pleased to quash the proceedings in C.C.No: 1039/2023 on the file of Judicial Magistrate of First class-Tadipatri, Ananthapur District

I.A. NO: 1 OF 2025

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 dispense with filing of the original certified copy of CC No: 1039/2023, dated on the file of Judicial First Class Magistrate of Tadipatri

I.A. NO: 2 OF 2025

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 stay all further proceedings in C.C.No. 1039/2023 on the file of Judicial Magistrate of First class-Tadipatri, Ananthapur District

This Petition coming on for hearing upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Sridevi Ganta, Advocate for the Petitioner and the Public Prosecutor (AP) on behalf of the Respondent No.1.

The Court made the following Order:

APHC010128492025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3457]

**MONDAY ,THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 2778/2025

Between:

Chintha Shiva Shankar Reddy and Others ...PETITIONER/ACCUSED(S)

AND

**The State Of Andhra Pradesh and ...RESPONDENT/COMPLAINANT(S)
Others**

Counsel for the Petitioner/accused(S):

1. SRIDEVI GANTA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

The Court made the following:

THE HON'BLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION No.2778 of 2025

ORDER:

1. Heard the learned counsel for the petitioners.
2. The learned counsel for the petitioners submits that the petitioners were arraigned as accused in C.C. No.1039 of 2023 on the file of the Judicial First Class Magistrate of Tadipatri. It is alleged that the petitioners have committed offences under Sections 171-E and 188 read with Section 34 of the Indian Penal Code, 1860.
3. The learned counsel for the petitioners submits that the de facto complainant is a flying squad appointed by the District Collector for the purpose of overseeing the MLC elections in the State in the year 2023. The learned counsel further submits that on the complaint submitted by the Member of the flying squad, the police have taken cognizance of the complaint, conducted an investigation and filed the charge sheet.
4. The learned counsel further submits that the police could not take cognizance of the complaint filed by the Member of the flying squad and submits that Section 195 of the Code of Criminal Procedure would prohibit any such cognizance by the police and that the complaint ought to have been filed by the officer before the competent

Magistrate. On receipt of such a complaint, the Court would take cognizance and conduct a trial.

5. The learned counsel also submits that in several cases, this Court also quashed the complaints at the stage of F.I.R. itself. A reliance is placed on the order passed by this Court in Crl.P. No.4647 of 2022, whereby a flying squad filed a complaint about certain cricket kits found in a vehicle, and the complaint was lodged before the police. It is submitted that Section 171 E of I.P.C. is not a cognizable offence. In paragraphs 7 and 8 of the judgment, this Court held that,

"7. Admittedly, in a summons case where non-cognizable offences have been alleged against the petitioner herein and two (2) others, the police ought to have taken prior permission from the jurisdictional Magistrate before conducting an investigation.

8. Section 155(2)Cr.P.C., reads as follows:

'S.155. Information as to non-cognizable cases and investigation of such cases.

1.....

2. No police officer shall investigate a non-cognizable case without the order of a Magistrate having the power to try such case or commit the case for trial.

6. Considering the submissions of the learned counsel for the petitioners, this criminal petition is allowed, and the proceedings in C.C. No.1039 of 2023 on the file of the Judicial First Class

Magistrate of Tadipatri are hereby quashed against the petitioners herein.

7. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

Sd/-B PRASADA RAO
ASSISTANT REGISTRAR

//TRUE COPY//



SECTION OFFICER

To,

1. The Judicial Magistrate of First class-Tadipatri, Ananthapur District.
2. The Station House Officer, Tadipatri Rural Police Station, Ananthapur District
3. One CC to Sri. Sridevi Ganta Advocate [OPUC]
4. Two CC s to the Public Prosecutor, High Court of Andhra Pradesh [OUT]
5. Three CD Copies

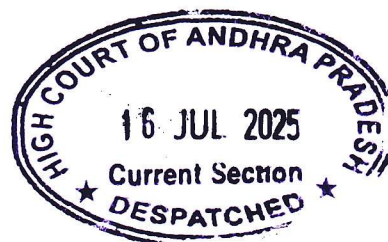
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HIGH COURT

DATED :17/03/2025

ORDER

CRLP.No.2778 of 2025



ALLOWING THE CRLP