



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

[3396]

**TUESDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE
PRESENT**

**THE HONOURABLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA
CRIMINAL PETITION NO: 7416/2023**

Between:

KURICHETI SREENIVASA RAO @ SREENAPPA(A3), S/O K.S. PRASAD RAO, AGED 53 YEARS, HINDU, WORKING AS ASI-344, SB, PAMURU P.S., R/O DOOR NO.14-1-39, OPP. THYAGA RAJA MANDIR, NEAR CENTRAL CAFE, COURT CENTRE, ONGOLE TOWN, PRAKASAM DISTRICT, A.P.

...PETITIONER/ACCUSED

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AMARAVATI, THROUGH INSPECTOR OF POLICE, ONGOLE RURAL CIRCLE, PRAKASAM DISTRICT, A.P.
- 2.ADIKI VEERAPPA NARESH KUMAR, W/O VEERAPPA, AGED ABOUT 34 YEARS, PRIVATE EMPLOYEE, PRESENT R/O 2ND LANE, ANNAVARAPPADU, ONGOLE, PRAKASAM DISTRICT, A.P., R/O CHRISTIAN PALLI VILLAGE, MAHABOONNAGAR MANDAL AND DISTRICT, TELANGANA STATE.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

- 1.SS RAMA KRISHNA PRASAD

Counsel for the Respondent/complainant(S):

- 1.PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER:

The instant petition under Section 482 of the Code of Criminal Procedure, 1973¹, has been filed by the Petitioner/Accused No.3, seeking to quash the proceedings against him in C.C.No.194 of 2019 on the file of the

¹ For short 'Cr.P.C'

Court of II Additional Judicial Magistrate of First Class, Ongole, Prakasam District for the offences under Sections 384, 420 and 354-A read with 34 of the Indian Penal Code, 1860².

2. Heard Sri S.S.Ramakrishna Prasad, learned counsel for the Petitioner, and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor for Respondent No.1/State. In spite of service of notice, none appeared for Respondent No.2.

3. Learned counsel for the Petitioner would submit that there are no specific allegations against the Petitioner and no *prima facie* case is made out against him in the commission of the alleged offences. Learned counsel would further submit that the Police, after thorough investigation, having found no ingredients against the Petitioner, filed charge sheet against Accused Nos.1 and 2 only by deleting the name of the Petitioner. However, the learned trial Judge had taken cognizance against the Petitioner herein, without assigning any reason for doing so. It is further submitted that, as seen from the statements of the witnesses, there is no material to connect the Petitioner with the present case. Learned counsel would finally pray for quashment of the proceedings against the Petitioner.

4. Learned Assistant Public Prosecutor would submit that there are specific allegations against the Petitioner with regard to the commission of the alleged offences. It is further submitted that the truth or otherwise of the said allegations have to be revealed during trial. The Court cannot conduct a mini trial while exercising the jurisdiction under Section 482 Cr.P.C. It is submitted

² for short 'IPC'

that there are no grounds to quash the case against the Petitioner. Hence, prayed for dismissal of the petition.

5. The case of the prosecution, in brief, is that, Respondent No.2 and his wife used to reside in Ongole. The wife of Respondent No.2 used to work as a Computer Operator at Accused No.1, who is an Astrologer. In September, 2015, at the request of Respondent No.2, Accused No.1 arranged an amount of Rs.1,00,000/- to him after obtaining the cheques and promotes, for giving the said amount to one Sunil Kumar, who was the M.D of Navyaandhra News Channel for securing a job as Co-administrator in the channel. Subsequently, said Sunil Kumar was arrested by the Police for cheating the public. On one day Accused No.2 came to Respondent No.2 introducing him as Constable in II Town Police Station, Ongole, beat him stating that a case was registered against Respondent No.2. On that, Accused No.1 asked Respondent No.2 to arrange an amount of Rs.5,00,000/- to avoid a criminal case. Believing the same, Respondent No.2 deposited an amount of Rs.3,00,000/- on 17.03.2015 and Rs.1,00,000/- on 19.03.2015 in the bank account of Accused No.1 and also executed an empty signed cheque and promissory note and handed over to Accused No.1. Further, Accused No.1 used to harass the wife of Respondent No.2 for sexual favour by sending SMSs to her cell phone. It is alleged against Petitioner/Accused No.3 that he being the Head Constable of II Town Police Station, Nellore, with the connivance of Accused No.1 demanded Rs.15,000/- to avoid arrest of Respondent No.2.

6. Based on the complaint lodged by Respondent No.2, a case in Crime No.198 of 2015 on the file of Ongole II Town Police Station has been registered against Accused Nos.1 to 4 for the offences under Sections 384, 420 and 354-A read with 34 IPC. Police after recording the statements of Respondent No.2, his wife and other witnesses, having found no *prima facie* material against the Accused Nos.3 and 4, deleted their names and filed charge sheet against Accused Nos.1 and 2. However, the learned Magistrate, without assigning any reasons, had taken cognizance of the offences against Accused Nos.1 to 4.

7. A cursory look at the statement of Respondent No.2, recorded under Section 161 Cr.P.C would clearly show that, on enquiry, Respondent No.2 came to know that the person, by name Sreenappa, who came to their house and demanded Rs.15,000/- to avoid arrest, by introducing himself as Head Constable, is not the Petitioner/Accused No.3 and the name of the Petitioner was mistakenly included in the present case and that the Petitioner never came to their house. As rightly put by the learned counsel for the Petitioner, the entire material placed on record, does not disclose any *prima facie* case against the Petitioner/Accused No.3. There is no *iota* of evidence against the Petitioner to connect him with the alleged crime. In such circumstances, taking cognizance against the Petitioner without assigning any reason and continuation of criminal proceedings against him, is an abuse of process of law. Therefore, this Court is of the view that it is a fit case for exercise the

jurisdiction under Section 482 Cr.P.C for quashing the proceedings against the Petitioner.

8. In the result, the Criminal Petition is allowed and proceedings against the Petitioner/Accused No.3 in C.C.No.194 of 2019 on the file of the Court of II Additional Judicial Magistrate of First Class, Ongole, Prakasam District for the offences under Sections 384, 420 and 354-A read with 34 IPC are hereby quashed.

Pending miscellaneous petitions, if any, shall stand closed.

Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date:05.08.2025
Dinesh

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Crl.P.No.7416 of 2023

Dt.05.08.2025

Dinesh