

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 227-228 OF 2016
(Arising out of SLP (Criminal) Nos. 1108-1109 of 2013)

SUNKARA SRINIVASULU & ORS.

... Appellants

VERSUS

STATION HOUSE OFFICER & ORS.

... Respondents

O R D E R

Leave granted.

These appeals challenge the validity of order dated 04.01.2013 passed by the Division Bench of the Andhra Pradesh High Court in Writ Appeal Nos. 1586 of 2012 and 1587 of 2012 insofar as it restores the criminal proceedings arising out of C.C. No. 254 of 2010 on the file of Judicial Magistrate, First Class, Banaganpalli, Andhra Pradesh, initiated pursuant to chargesheet filed in Crime No. 94 of 2010 at Owk Police Station, Owk Mandal, Kurnool District.

Having regard to the nature of controversy and the order which is proposed to be passed, it is not necessary to take note of the factual matrix in detail. Suffice is to mention that the appellant herein had filed petition under Section 482 of the Code of Criminal Procedure for quashing of the FIR in Crime No. 94 of 2010 particulars whereof are given

Signature Not Verified

Digitally signed by
NIDHI AHUJA
Date: 2016.03.17

above. The main reason for quashing of the FIR was that

05:43:16 IST
Reason:

1
Criminal Appeal Nos.227-228/2016
@ SLP (Crl.) Nos. 1108-1109/2013

after the first FIR was lodged, it was substituted by the

second FIR. In the second FIR, the de-facto complainant as

well as the Station House Officer committed various

manipulations therein which included deletion of certain names and adding the name of the de-facto complainant. The

learned Single Judge of the High Court found merit in the averments made in the petition filed by the appellant giving a categorical finding about the manipulations made in the FIRs. It resulted in allowing the writ petition by quashing the aforesaid FIR. At the same time, the learned Single Judge also directed the Superintendent of Police, Kurnool District, to place the Station House Officer, who was, at the material time, Sub-Inspector of Police, under suspension and to initiate necessary disciplinary proceedings against him.

It is pertinent to mention that insofar as the State is concerned, it accepted the order of the learned Single Judge which had granted relief to the appellant in the form of quashing of the FIR. However, the Station House Officer and the constable filed appeals which were heard and decided by the impugned judgment.

A perusal of the impugned judgment of the High Court would reflect that even the High Court accepted, as a matter of record, that there were manipulations in the FIR done by the concerned police officials who conspired with the de-facto complainant. On this basis, insofar as the

2

Criminal Appeal Nos.227-228/2016
@ SLP (Crl.) Nos. 1108-1109/2013

directions given to the Superintendent of Police, Kurnool, to initiate appropriate disciplinary proceedings against the said two police officials are concerned, are maintained.

At the same time, as pointed out above, the Division Bench has restored the criminal proceedings thereby setting aside that part of the order of the learned Single Judge which had quashed the FIR. This direction of the High Court is palpably wrong for the simple reason it was beyond the scope of the writ appeals filed by the two police officers. In the writ appeals, the High Court was only supposed to go

Ms. Priyanjali Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

(Nidhi Ahuja)
Court Master

(Tapan Kr. Chakraborty)
Court Master

[Signed order is placed on the file.]