

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.5020 of 2026

DATE: 24.06.2026

BETWEEN:

Anumula Revanth Reddy

.....petitioner/accused No.2

And

The State of Telangana,
Rep. by its Public Prosecutor,
High Court for the State of Telangana
at Hyderabad and another.

.....Respondent/complainant

ORDER

This Criminal Petition is filed seeking to quash the proceedings against the petitioner/accused No.2 in C.C.No.396 of 2023 on the file of the learned Principal Special Judicial Magistrate of First Class for Excise Cases,

Hyderabad, registered for the offences punishable under Sections 341 and 188 read with 34 of IPC.

2. The case arises out of Crime No. 184 of 2019 registered at P.S. Palakeedu for the offences under Sections 341 and 188 read with 34 IPC. The allegation is that on 18.10.2019, during the Huzurnagar by-elections, the petitioner along with other leaders of the Indian National Congress conducted a roadshow at Janapahad village from about 2:07 PM to 2:50 PM. It is alleged that due to the roadshow, the road remained blocked for approximately 43 minutes, obstructing free flow of traffic, and several vehicles participated without obtaining necessary permission from the competent authority. After investigation, a charge sheet was filed and the case was taken cognizance as C.C. No. 396 of 2023.

3. Heard Sri R. Giri Kumar, learned counsel appearing on behalf of the petitioner as well as Palle Nageshwar Rao, learned Public Prosecutor appearing on behalf of the respondent – State. Though notice served upon respondent No.2, none appeared on behalf of him.

4. Learned counsel for the petitioner submits that even if the allegations in the charge sheet are accepted in toto, the essential ingredients of Sections 341 and 188 IPC are not made out and that there is no material to show that the petitioner voluntarily caused obstruction preventing any person from proceeding in a lawful direction. He further argued that cognizance under Section 188 IPC is barred under Section 195(1)(a) Cr.P.C., as no complaint was filed before the Magistrate by the competent public servant, and a police report cannot be treated as a complaint. Reliance is placed on judicial precedents to contend that continuation of proceedings amounts to abuse of process of law. Therefore, he prayed the Court to quash the proceedings against the petitioner by allowing this Criminal Petition.

5. Learned Public Prosecutor would contend that the material on record discloses that the petitioner, along with other accused, conducted a roadshow in violation of permissions granted by the Returning Officer, resulting in blockage of road and disruption of traffic for a considerable period. He submitted that the participation of unauthorized vehicles and gathering of large crowd leading to obstruction

prima facie attracts the offences alleged. The prosecution would argue that these issues require appreciation of evidence during trial and that at the stage of quashing, the Court should not undertake a detailed examination of facts, and therefore, the proceedings are liable to be continued.

6. In the light of the submissions made by both the learned counsel and a perusal of the material available on record, it appears that the petitioner was charged for the offences punishable under Sections 188 and 341 of the Indian Penal Code, 1860. It is specifically contended by the learned counsel for the petitioner that as there is a bar under Section 195 (1) (a) of Cr.P.C., whereunder, a written complaint has to be filed by the public servant/authorized officer, the Police has to follow the same, but the same is not followed in the present case. Further, at this stage, it is imperative to note the relevant Sections, which are as follows:

7. Section 188 of the I.P.C reads as follows:

Section 188: Disobedience to order duly promulgated by public servant.

Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to

take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation: It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration: An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section”.

8. Section 195(i) (a) of Cr.P.C., reads as under:-

“(i) (a) of any offence punishable under Sections 172 to 188 (both inclusive) of the Indian Penal Code (45 of 1860), or

(ii) of any abetment of, or attempt to commit, such offence, or

(iii) of any criminal conspiracy to commit such offence, except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate;”

9. Reverting to the facts of the case on hand, a perusal of Section 188 of IPC makes clear that to take cognizance there should be a written complaint and such complaint should be filed either by the officer issuing such promulgation order or the officer above his rank. Further, Section 2 (d) of Cr.P.C., defines complaint as allegations made orally or in writing to the Magistrate with a view to the Magistrate taking action on such complaint, the Magistrate can take cognizance under Section 190 (1)(a) of Cr.P.C.. Thereafter, the procedure prescribed under Section 200 of Cr.P.C has to be followed. Therefore, the first information report, charge sheet and the order taking cognizance on such charge sheet are without jurisdiction.

10. Further, it is significant to note the judgement of the Honourable Supreme Court in **State of Karnataka v. Hermareddy**¹, wherein in paragraph No.8, it is held as under:

“8. We agree with the view expressed by the learned Judge and hold that in cases where in the course of the same transaction an offence for which no complaint by a Court is necessary under Section 196 (1)(b) of the Code of Criminal Procedure and an offence for which a complaint of a Court is necessary under that sub-section, are committed, it is not possible to split up and hold that the prosecution of the accused for the offences not mentioned in Section 196 (1)(b) of the Code of Criminal Procedure should be upheld”

(Emphasis supplied)

11. In the instant case, a perusal of the charge sheet discloses that the petitioner is sought to be prosecuted for the offence punishable under Section 188 of IPC including other penal provisions i.e., 341 of IPC. As per the judgment of the Hon'ble Supreme Court in **Hermareddy** (supra) it is clear that if the offences formed part of the same transaction of the offences contemplated under Section 191 of Cr.P.C., it is not possible to split up and hold the prosecution of accused for the other offences. In view of the above, the FIR culminating in

¹AIR 1981 SC 1417

taking cognizance of the aforesaid offences stands vitiated. Hence, continuation of criminal proceedings against the petitioner is nothing but abuse of process of law.

12. Accordingly, the criminal petition is allowed and the proceedings against the petitioner in C.C.No.396 of 2023 on the file of the learned Principal Special Judicial Magistrate of First Class for Excise Cases, Hyderabad, are hereby quashed.

Miscellaneous applications, if any pending, shall also stand closed.

Date: 24.06.2026
SAI

K.SUJANA, J