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**(2000) 11 AP CK 0008**  
**In the Andhra Pradesh High Court**  
**Case No : Criminal Petition No. 2965 of 2000**

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|-------------------|----|------------|
| P. Seshagiri Rao  | Vs | APPELLANT  |
| K. Pattabhi Raman |    | RESPONDENT |

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**Date of Decision :** 02-11-2000

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 482

**Citation :** (2000) 2 ALD(Cri) 753 : (2001) 1 ALT(Cri) 68

**Hon'ble Judges :** Vaman Rao, J

**Bench :** Single Bench

**Advocate :** Vedula Venkataramana, for the Appellant; M.N. Srinivasa, for R1 and The Public Prosecutor for R2, for the Respondent

**Final Decision :** Dismissed

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## Judgement

Vaman Rao, J.—Heard both sides.

2.This petition u/s 482 of CrPC seeks quashing of proceedings in CC No.2 of 1999 on the file of the Judicial First Class Magistrate, Medchal, Ranga Reddy District.

3. The petitioner along with others is sought to be prosecuted for the offences under Sections 120B, 341, 342, 387 and 506(2) of the Indian Penal Code read with Section 34 of the Indian Penal Code on the ground of want of sanction u/s 197 of CrPC.

4. The petitioner, who is accused no.1 is the Circle Inspector of Police in Ranga Reddy District. The essence of the allegations against the petitioner as disclosed in the complaint may be stated briefly as follows:

The complainant is the Manager of Medchal Chemicals and Pharmaceuticals Private Limited (for short "MPCL") incorporated under the Companies Act having its registered and Administrative office at Secunderabad and it is a factory in Medchal. Accused no.1 is the Circle Inspector of Police, Medchal. Accused nos.2,3and 4 are Senior Officers of M/s.Biological E.Limited. It is stated that on

22.9.1998 at about 2 p.m., two police constables attached to Medchal Police Station went to the complainant's office and took the complainant to Medchal Police Station and kept him in illegal custody. About 10 Managers and Officers of M/s. Biological E. Limited were present at the police station. On their investigation, the first accused threatened the complainant and one Mr.Kulkarni of MPCL with dire consequences and also threatened them that he would be forthwith sent to the Musheerabad Jail. The first accused threatened the complainant and Mr.Kulkarni that if they failed to act as per the directions of accused no.2,3 and 4 and other officers of M/s. Biological E. Ltd., they would be taken into police custody and they would be seriously beaten and render them disabled to do any work. Under such threats and coercion, they extracted from him a letter dt.22.9.1998 as dictated by accused no.2 and in consultation with accused nos.1,3 and 4 at Medchal Police Station. Thus, it is alleged that they have committed the offence of extortion. It is stated that they were kept in illegal custody at about 11 p.m. in the night of 22.9.1998. The complainant and Mr.Kulkarni were not informed about crime registered against them in Crime No.140 of 1998 and a copy of the FIR was not furnished to them. It is stated that the complainant issued a lawyer's notice dated 21.10.1998 to the Chairman and the Managing Director of M/s.Biological E. Ltd.

5. It is stated that in the reply dated 26.10.1998 on behalf of the Chairman of that company, a reference was made to a letter dt.22.9.1998 which was illegally taken from the complainant. Thus, it is stated that the above acts constituting the offence was not committed by accused no.1 during the discharge of the lawful duties but were committed knowingly in a manner contrary to law. It is stated that the petitioner and others were subsequently arrested in violation of anticipatory bail orders granted by the Madras High Court.

6. The contention of the learned counsel for the petitioner is that the complaint is mala fide and has been filed as the concerned police registered a case against the complainant and others and arrested them in connection with CrNo.140 of 1998. It is stated that the petitioner being Circle Inspector of Police is entitled for protection u/s 197 of CrPC.

7. The learned Senior Counsel for the first respondent, Sri A.T.M.Rangaramanujam on the other hand urges that the acts of the accused do not invite the protection u/s 197 of CrPC to the petitioner.

8. The essence of the allegation against the petitioner is that he at the instance of some officers of Biological E. Ltd. detained the petitioner at the police station, administered threats of their consequences and third degree methods and under such threats got executed a letter from the complainant. Even assuming that the detention of the complainant at the police station was in view of his arrest in connection with a crime registered at the police station, it is not a part of the duty of the police officer to coerce and get a letter executed by an accused under threats. Thus, the protection u/s 197 of CrPC cannot be said to be available to the petitioner in this case. At any rate, in the light of the acts as disclosed at this

stage.

9. In the result, there are no grounds for quashing the proceedings by exercising the inherent powers u/s 482 of CrPC . and the petitioner is accordingly dismissed.