

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.1991 of 2015

ORDER:

The petitioners who are the accused 1 to 4 filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with Cr.No.120 of 2015 of Pet Basheerabad Police Station, Cyberabad registered for the offences punishable under Sections 354 and 509 IPC.

The case of the prosecution is that on 23-02-2015 at about 6 pm while the officials of Municipality were laying C.C. road in front of the house of the informant, the husband of the informant was standing in front of his house. Meantime the petitioners herein came there and are alleged to have questioned the husband of informant as to why they are standing there. Then the petitioners are alleged to have abused the husband of the informant in filthy language stating that he is a defeated person and has no business to stay there. When the informant along with Srivani and Varalakshmi together came out from the house and questioned them. Then the petitioners alleged to have abused them in filthy language, and behaved in indecent manner by showing their male private parts. Basing on these allegations, the above report came to be registered.

Heard learned counsel for the petitioners and the learned Public Prosecutor representing the State.

Learned counsel for the petitioners submits that the present report has been filed only due to disputes in the society. He submits that it is difficult to believe that the petitioners who are aged 65 years, 54 years, 27 years and 56 years respectively, would have behaved in such indecent manner. He further submits that the petitioners are elected members of Bgagyalakshmi Colony Plot Owners and Residential Welfare Association and the defeated candidate, who is the husband of informant, got lodged this false report through his wife.

Learned Public Prosecutor on instructions opposed the petition contending that the allegations made in the report taken to be true constitute the offences alleged and the petitioners are not entitled for any relief.

As seen from the report, on the date of alleged incident when the husband of

informant stood in front of the house, the petitioners are alleged to have questioned his presence. Thereafter, when the informant and two others are alleged to have come out of the house and questioned the petitioners, to which the petitioners are alleged to have abused them in filthy language and behaved in indecent manner. The allegations in the report if to be taken as true, *prima facie* constitute the offence punishable under Section 354 IPC. But counsel for the petitioner submits that the present case has been filed because of disputes that occurred in the election which took place in the month of January, 2015. However, having regard to the nature of allegations made, I am not inclined to consider the request of the petitioners.

Accordingly, the Criminal Petition is dismissed. However, the petitioners, if so, advised shall surrender before the concerned Court and move an application for regular bail before appropriate Court, the same shall be dealt with in accordance with law on the same day.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

17-03-2015

Note:

Issue CC by 19-03-2015

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