

THE HON'BLE MRS JUSTICE ANIS
CRIMINAL PETITION No.3017 of 2015

ORDER:-

This Criminal Petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioners/A.1 in Crime No.48 of 2015 of Shahinayathgunj Police Station, Hyderabad district for the offences punishable under Sections 354, 323 and 506 IPC.

2. Heard learned counsel for the petitioner and learned Public Prosecutor for the State.

3. Learned counsel for the petitioner submitted that due to family disputes, the present case has been foisted by the *de facto* complainant. Further, the petitioner and his family members already filed a Criminal case in Cr.No.320 of 2014 which was registered by the Shahinayathgunj Police Station against the respondent. As a counter blast, the present report is given and the same was registered by the police. It is also argued that the petitioner is a old person not committed any such heinous act as alleged by the petitioner and prayed the Court to quash the proceedings in Cr.No.48 of 2015.

4. Learned Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged. He further submitted that the investigation is not yet completed and prayed the Court to dismissed the petition.

5. A perusal of the record reveals that the second respondent filed a private complaint before the XVI Additional Chief Metropolitan Magistrate at Nampally, Hyderabad, and the same was registered as Cr.No.48 of 2015 for the offences punishable under Sections 354, 323 and 506 IPC. It is also evident from the record that petitioner along with his son and others gave a complaint against the *de facto* complainant and the same was registered as Cr.No.320 of 2014 for the offences punishable under Sections 448, 323 and 506 IPC. Both the crimes are under investigation and final reports are not yet filed. The learned counsel for the petitioner argued that petitioner is an old person, aged 69 years, he cannot commit such an act. Further investigation in this case and other case

also not completed.

6. Having regard to the facts and circumstances of the case, I am of the view that it is not a fit case to quash the proceedings at the threshold.

7. Learned counsel for the petitioner submitted that the Station House Officer, Shahinayathgunj Police Station may be directed not to arrest the petitioner/A1 till completion of investigation.

8. In view of the facts and circumstances of the case, the Station House Officer, Shahinayathgunj Police Station is hereby directed not to arrest the petitioner/A1 in Crime No.48 of 2015 till completion of investigation or filing of report.

9. With the above directions, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

JUSTICE ANIS

Dt.9th April, 2015

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CRIMINAL PETITION No.2675 of 2015

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April 06, 2015

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