

**HON'BLE SRI JUSTICE A. SHANKAR  
NARAYANA**

**CRIMINAL PETITION No. 3570 OF 2015**

**ORDER:**

The instant Criminal Petition is filed by the petitioner – accused under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') requesting to quash the proceedings in Crime No.307 of 2015 of Station House Officer, Shadnagar Police Station, Mahabubnagar District registered against him for the offence punishable under Section 307 of the Indian Penal Code, 1860 (for short 'IPC') on the complaint given by the 2<sup>nd</sup> respondent herein.

2. The facts as revealed from the first information report and the complaint that on the previous night of the incident i.e., 26-03-2015, while the 2<sup>nd</sup> respondent suffered from vomiting, he was admitted in Government Hospital, Shadnagar, and in the next morning at 8.00 A.M., the petitioner herein alleged to have approached his children, Mr. A. Akash, aged six years, and Mr. A. Sathwik, aged five years, and supplied 'Idlis' containing poison misrepresenting that the said 'idlis' were sent by their father, who is *de facto* complainant, and when they consumed them, immediately they suffered from ill-health, and neighbours having seen the same, telephoned to the 2<sup>nd</sup> respondent, on which, his wife rushed to their house and shifted their children to the Government Hospital, Shadnagar and the hospital authorities referred the children to Niloufer Hospital, Hyderabad, and both the children were in critical condition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

4. The learned counsel for the petitioner submits that the petitioner has been working as Head-constable in Central Reserve Police Force, and there was no occasion to administer any poison and he is falsely implicated due to land disputes between the petitioner's family and the 2<sup>nd</sup> respondent's family. The learned counsel also would submit that in case the petitioner is arrested, he would lose the job being a public servant and, hence, sought to quash the proceedings.

5 . The learned Additional Public Prosecutor strongly resisted the request.

6. As seen from the contents of complaint, a serious offence is levelled against the petitioner. It is, no doubt, mentioned in ground No.5 of the instant petition that identification was conducted by the 1<sup>st</sup> respondent on 06-04-2015 with victim and one Mr. Sunil was identified as the accused, but not the petitioner herein. However, that cannot be a ground, at this stage, to quash the proceedings, as no abuse of process of law can be gathered. Even, the request of the learned counsel for the petitioner to stay the arrest of the petitioner cannot be acceded to in a case of this nature. Hence, the instant petition stands dismissed.

7. Accordingly, the Criminal Petition is dismissed.

8. As a sequel thereto, miscellaneous petitions, if any, pending in this Criminal Petition, stand disposed of.

**A. SHANKAR NARAYANA, J**

**April 30, 2015.**  
Mgr