

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Crl.P.No.3564 of 2015

ORDER

The instant petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code'), requesting to quash the proceedings in C.C.No.693 of 2014 on the file of XXI Metropolitan Magistrate, Cyberabad at Medchal, for the offences punishable under Sections 493, 420, 323 and 506 IPC, against the petitioners-A1 to A4.

2. The facts as can be gathered from the material placed on record i.e., the charge sheet, First Information Report and the statements recorded under Section 161 Cr.P.C., would reveal that the *de facto* complainant, who is working as a Cardiologist in Usha Mullapudi Hospital, Jeedimetla, lodged the complaint on 20.03.2013 alleging that A1, who is the brother-in-law of her elder sister Srilatha, used to move with her closely and on some occasions, he dropped her on his bike and their closeness went to the extent of physical relationship by impressing upon her that he would marry her and when she questioned him to marry her, A1 was reluctant and quarreled with her. On 19.03.2013 between 1.30 to 2.00 PM, all the petitioners came to his sister's house and threatened her and her sister and beat with hands and since about three weeks, A1 has been threatening her, stating that he would leave for Newzeland and to do whatever she intends. Basing on the said complaint, the investigation was taken up and the charge sheet was laid that culminated in taking the cognizance for the offences punishable under Sections 493, 420 and 506 IPC by the learned VI Metropolitan Magistrate, Cyberabad at Medchal.

3. Learned counsel for the petitioner contends that the offence punishable under Section 420 IPC would not attract at all as the relevant details have not been mentioned and the dates, on which the acts complained by the *de facto* complaint, are not finding place and therefore, this is a fit case to quash the proceedings. He further contends that a false case has been foisted against the petitioners. He also contends that the 3rd petitioner is a Student doing Ph.D and the 4th petitioner is not at all related to the family.

4. Learned Public Prosecutor opposed the request of the petitioners.

5. Perused the material on record i.e., the FIR, charge sheet, more particularly, the statements recorded under Section 161 Cr.P.C. It is not a fit case where the extraordinary jurisdiction of this Court under Section 482 of the Code can be exercised in quashing the proceedings in C.C.No.693 of 2014 on the file of XXI Metropolitan Magistrate, Cyberabad at Medchal. However, keeping in view, that the 3rd petitioner, who is the sister of the 1st petitioner, is a Student prosecuting her Ph.D, her appearance alone is dispensed with during the pendency of the proceedings in C.C.No.693 of 2014 on the file of XXI Metropolitan Magistrate, Cyberabad at Medchal. However, she shall appear before the said Court as and when the learned Magistrate directs.

6. With the above direction, the Criminal Petition is disposed of.

7. As a sequel thereto, miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

A. SHANKAR NARAYANA, J

27th April, 2015

sj