

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.7757 of 2015

ORDER :

This Criminal Petition is filed by the petitioner/ accused No.1 under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.402 of 2015 on the file of II Additional Chief Metropolitan Magistrate, Hyderabad, where the learned Magistrate has taken cognizance for the offences punishable under Sections 341, 323, 506 and 509 IPC, which is outcome of report of 2nd respondent—de facto complainant in Crime No.394 of 2014 of Abid Road Police Station, Hyderabad, registered for the offences punishable under Sections 341, 323, 506 and 509 IPC against petitioner and another.

2) Heard learned counsel for the petitioner/ accused No.1 and also 1st respondent—State before admission and before ordering notice to 2nd respondent—de facto complainant. Perused the material on record.

3) It is the submission of the learned counsel for the petitioner/ accused No.1 that it is a false accusation for the sin of pointing out the wrong parking of the car across the road for asking to make way for the traffic and there is a false accusation as if splinters of the wearing eye glass of the husband of the de facto complainant was broken and went inside the eye from the fist given by accused No.1.

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4) It is the submission by the learned counsel that perusal of one of the enclosures i.e., out-patient card issued by Kamineni Hospital shows that the person came but not admitted as inpatient and left and it no where shows any sustaining of incise injures to eye-ball to give any weight to such a mention and it is crystal clear that it is nothing but a false accusation for the reasons supra.

5) A perusal of the record shows from the investigation filed by police from the charge sheet and the statements of witnesses, there is a

prima facie accusation from the substratum of the material and thus, this Court is not in a position to do any hair splitting assessment at this stage from that material as to the splinter of broken wearing eye glass went inside the eyes and caused any injury to eye ball or not, from that version and thereby from that sentence alone asked to be taken by the Court, it cannot throw down the entire prosecution case taken cognizance for the offences supra by the learned Magistrate.

6) Having regard to the above, as the material falls short for this Court at this stage to admit the Criminal Petition filed under Section 482 Cr.P.C, the Criminal Petition is disposed of, it is left open to the petitioners to file any application for discharge, if there are no grounds to frame charge and in such event, these observations will not come in the way to decide on own merits only from the prosecution material vide

State of Orissa vs. Debendra Nath Padhi ^[1]

7) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.04.09.2015
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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Date:04.09.2015

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[\[1\]](#) 2005 (1) SCC 568