

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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Criminal Petition No.2623 of 2015

Order:

This petition is filed, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C'), requesting the court to quash the Calendar Case No.60 of 2015 on the file of X Additional Chief Metropolitan Magistrate, Secunderabad, wherein the offences punishable under Sections 324, 342 and 506 IPC are levelled by the complainant – second respondent herein.

2. Heard Sri T.P. Acharya, learned counsel for the petitioners, and the learned Assistant Public Prosecutor for the State.

3. The first accused is the wife, second and third accused are parents-in-law, fourth accused is the brother and fifth accused is the brother-in-law of the second respondent – complainant and sixth accused is the sister of the second accused. The allegations are that, after counseling in connection with another case, when the complainant alleged to have visited the house of his parents-in-law, he was wrongfully confined and assaulted and, thereby, he filed a complaint before the aforementioned Court for the offences punishable under Sections 324, 342 and 506 IPC. The learned Magistrate, having recorded his sworn statement, taken cognizance and registered the complaint as Calendar Case No.60 of 2015.

4. Learned counsel for the petitioners submits that as a counter blast to the case registered by the second respondent, since he attacked the second petitioner herein with a knife and caused injuries and she was even referred to the hospital, where she was treated and, in that connection, prosecution was initiated on the complaint with the police concerned and there is absolutely no incident as such, as complained by the complainant, has taken place and the petitioners are falsely

implicated as a counter blast to the crime registered against him in Crime No.706 of 2014, under Sections 448 and 324 IPC.

5. Since, during the course of arguments, it is represented by the learned counsel for the petitioners that the petitioners have made their appearance before the learned Magistrate's Court, as seen from the allegations levelled and since the Calendar Case is also registered, which by inference reflects that the learned Magistrate has applied his mind and taken cognizance, without there being a full fledged trial it may not be possible to take the allegations mentioned in the petition to quash the proceedings.

6. Learned counsel for the petitioners requested that the presence of the petitioners may be dispensed with and they would attend the Court whenever ordered by the learned Magistrate, for which, no objection was put forth by the learned Assistant Public Prosecutor. Looking at the allegations and also the circumstances that earlier a crime was registered against the second respondent, the request of the learned counsel for the petitioners can be considered and, accordingly, the presence of the petitioners is dispensed with and they shall appear as and when directed by the learned Magistrate.

7. Accordingly, the Criminal Petition is disposed of.

8. As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Petition shall stand closed.

A. SHANKAR NARAYANA, J

Date: 07.04.2015

Nsr

