

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.3820 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioner/ accused No.1 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.317 of 2014 of Tanuku Town Police Station, West Godavari District registered for the offences punishable under Sections 447, 354-A and 506 (2) r/w 34 IPC.

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

3) A perusal of the record would show that on the report of the de facto complainant dated 22.11.2014 of the alleged occurrence on that day at about 11.00 am preceded by another occurrence two days back i.e., on 20.10.2014 at about 5.00 pm that was registered for the offence punishable under Sections 447, 354-A and 506 (2) read with 34 IPC. The petitioner sought quashing of the said FIR proceedings in saying that it is a counter blast to the report, which he has given covered by Crime No.316 of 2014 of even date on 22.11.2014 registered for the offences punishable under Section 420 read with 34 IPC, Section 56 of AP Chit Funds Act and Section 3 (x) of SC/STs POA Act against the de facto complainant and her family members.

4) Once a perusal of the report would show prima facie accusation whether it is the counter blast or not, it is premature at this stage to decide even the two crimes are registered on the same day one after another for the alleged occurrences respectively.

5) Having regard to the above, the Criminal Petition is disposed of for falls short of material even to admit under Section 482 Cr.P.C, by giving liberty to submit any material to the Investigating Officer to consider the same as part of investigation; without prejudice to other remedies in the event of filing charge sheet. The counsel for the petitioner submits that the petitioner was though granted bail his presence not dispensed with pending investigation. As there is no necessity to appear pending investigation, but for any bail conditions to obey, his personal appearance pending investigation is dispensed with by this Order.

6) As a sequel, miscellaneous petitions, if any filed in this Criminal Petition, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:03.06.2015

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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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