

HON'BLE Smt JUSTICE ANIS

CRIMINAL PETITION No.2668 of 2015

ORDER:

This Criminal Petition is filed by the petitioners – A.1 to A.3, under Section 482 Cr.P.C, seeking quashment of the charge sheet in PRC.No.11 of 2014 on the file of Additional Judicial Magistrate of First Class, Tiruvuru, Krishna District.

The allegations levelled against the petitioners is that, while the complainant (husband of A.1) was sleeping on the cot, A.2 and A.3 caught him and put a pillow on his face and hit his head towards the wall, and when he tried to escape, the petitioners caught hold of the head of the complainant hit his head towards the door and caused bleeding injury. It is further alleged that, while A.1 and A.2 beat him with sticks, A.3 kicked with legs. Based on the complaint, a case was registered in Crime No.218 of 2013 for the offences punishable under Sections 307, 324 read with 34 IPC and Section 156(3) Cr.P.C. After completion of investigation, the police filed charge sheet in the aforesaid crime for the offence under Section 324 read with 34 IPC but the learned Additional Judicial Magistrate of First Class, Tiruvuru, Krishna District has taken cognizance under Section 307 IPC alleging that a prima facie case was made out against the petitioners and taken on file as PRC.

Learned counsel for the petitioner contended that the medical certificate would reveal that the complainant received simple injuries and, as such, the petitioners cannot be charged under Section 307 IPC and, therefore, prayed to quash the proceedings.

On the other hand, learned Public Prosecutor appearing for the State contended that there are allegations against the petitioners that they tried to kill the complainant.

Specific accusation levelled against the petitioners is that they tried to kill the complainant while he was sleeping. The learned Magistrate, after considering the evidence on record, recorded that, the petitioners committed an act

punishable under Section 307 IPC, and taken on file as PRC.No.11 of 2014. The contention of the petitioners that, as the complainant received only simple injuries, taking cognizance under Section 307 IPC cannot be sustained. Whether the petitioners are innocent or whether they have committed any offence can be ascertained only during the course of trial.

The Criminal Petition fails and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed.

ANIS,J

Date:02.04.2015

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