

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2631 of 2015

ORDER:

This petition is laid under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the proceedings in C.C.No.2700 of 2014 on the file of III Additional Chief Metropolitan Magistrate, Hyderabad, wherein the offences punishable under Sections 447 and 506 I.P.C. were levelled against the petitioner/accused on the complaint lodged by the 2nd respondent herein.

2. The facts reflected from the charge sheet are that 21.11.2014 at about 11-30 a.m., when the 2nd respondent was in the house of one K.E.Prasad as he was working as Personal Assistant to him, who is resident of house bearing D.No.8-2-686/7/5, Road No.12, Banjara Hills, Hyderabad, the petitioner alleged to have trespassed into the house and abused him in filthy language and threatened him with dire consequences. These are the allegations levelled against the petitioner/accused by the 2nd respondent.

3. Heard Sri Chetluru Sreenivas, learned counsel for the petitioner/accused, and the learned Additional Public Prosecutor for the State.

4. It is submitted by the learned counsel for the petitioner that the charge sheet shows that the complaint was received on 22.11.2014 and the incident was alleged to have occurred on 21.11.2014, whereas in the statements of the witnesses recorded by the police under Section 161 Cr.P.C., which are stereotype in nature, would show that the incident occurred on 22.11.2014, and there is no concrete allegation to continue the proceedings before the learned Magistrate, and, thus, it is a case where the proceedings can be quashed.

5. Learned Assistant Public Prosecutor submits that though, the date mentioned in the statements is 22.11.2014, but the time of taking place of incident in the complaint is correctly shown as 11-30 hours, and, therefore, the allegations, at this stage, cannot be brushed aside, and, hence, sought to dismiss the petition.

6. Perused the material placed on record. The copy of the complaint is not filed. The charge sheet cannot be expected to contain what was elaborated in the complaint. No doubt, the date is mentioned as 22.11.2014 in the statements recorded by the police under Section 161 Cr.P.C. as to the taking place of incident. But, that itself is not a ground to quash the proceedings in the said calender case by invoking extraordinary jurisdiction under Section 482 Cr.P.C.

7. Therefore, the criminal petition is dismissed.

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

A. SHANKAR NARAYANA, J

08th April, 2015

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