

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Criminal Petition No.8206 of 2015

Date: 28-09-2015

Between:

Murari Rama Linga Reddy and another

.... Petitioners

AND

The State of Andhra Pradesh, represented by its

Public Prosecutor, Sattenapalli and another

.... Respondents

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Criminal Petition No.8206 of 2015

ORDER:

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Heard the learned counsel for the petitioner and the learned Public Prosecutor for the respondents.

The present Criminal Petition came to be filed under Section 482 of the Code of Criminal Procedure seeking to quash the proceedings in C.C.No.14 of 2015 on the file of I Additional Junior Civil Judge, Sattenapalli, Guntur District.

A charge sheet came to be filed against the petitioners for the offences punishable under Sections 332, 353 read with Section 34 IPC of Sattenapalli Urban Police Station. The averments in the charge sheet show that the injured was working as Sub-Inspector of Police, Sattenapalli Town Police Station, while LW.2 is also a Sub-Inspector of Sattenapalli Town police station, who was

examined as a direct witness to the incident. LW.3 is the staff of LW.1 and LWs.5 to 7 are direct witnesses. The incident took place on 11-04-2014 at about 11.40 A.M. It is alleged that on that day while LW.1 was on patrolling duty along with other staff in patrolling vehicle, noticed a Maruthi Suzuki Swift Dzire car bearing No.AP-28-DQ-7545, parked on the State Highway road in front of New City Bakery in Sattenapalli and when LW.1 asked the accused to remove the car, they are alleged to have behaved rashly and in an indecent manner by questioning his capacity. Further they are alleged to have beaten him with hands on his left cheek causing scratch injuries and also threw him aside by putting their hands on his chest challenging him. On seeing the said incident, LWs.2, 3 and 7 who were in the patrolling vehicle rescued him from the clutches of the accused and LW.7 photographed the incident on his cell phone. Basing on the said incident, a case in Crime No.57 of 2014 under Sections 353, 323 read with 34 IPC was registered on the file of Sattenapalli Urban Police Station. The police after completion of investigation filed the charge sheet.

Though various grounds are raised in the criminal petition, the learned counsel for the petitioners mainly submits that the allegations made in the charge sheet are all false and invented for the purpose of this case. LWs.2, 3 and 7, who are alleged to be eyewitnesses to the incident, are all planted witnesses and no reliance can be placed on their statements.

On other hand, learned Public Prosecutor would submit that the allegations made in the charge sheet do *prima facie* constitute the offences as alleged, as such, no interference is called for under Section 482 Cr.P.C.

A reading of the charge sheet would clearly disclose that on 11-04-2014 at about 11.40 A.M. while LW.1 was on patrolling duty along with other staff, noticed a Maruthi Suzuki Dzire Car bearing No.AP-28-DQ-7545 avoiding traffic interruption and when he asked the accused to remove the car, the petitioners/accused are alleged to have beat LW.1 with their hands on his left cheek causing scratch injuries and thereafter, the petitioner/ accused also threw LW.1 aside by putting their hands on his chest. On seeing the said incident, LWs.2, 3 and 7 rescued LW.1 from the clutches of the petitioners/accused and LW.7 photographed the incident on his cell phone.

The argument of the learned counsel for the petitioners that the

witnesses, who are alleged to have witnessed the incident, are planted witnesses and that no reliance can be placed on their statements. Truthfulness or otherwise of the statement can be tested only during trial and cannot be gone into at this stage. The scope of inherent jurisdiction under Section 482 Cr.P.C. is very limited and unless the allegations in the charge sheet do not make out a case, the inherent power under Section 482 Cr.P.C. cannot be invoked to quash the proceedings at the threshold. At this stage, the learned counsel for the petitioners stated that the petitioners/accused are residents of Changantharipalem village, Muppalla Mandal now residing at Kukatpalli and it would be very difficult for them to attend on each and every adjournment. It is further submitted that as there is no dispute with regard to the identity of the petitioners/accused, their presence before the court on each and every adjournment may not be necessary.

Having regard to the facts and circumstances of the case and since there is no dispute with regard to the identity of the petitioners/accused, the presence of the petitioners/ accused is CC No.14 of 2015 on the file of the I Additional Junior Civil Judge, Sattenapalle, is dispensed with except on the dates when their presence is specifically required by the Court.

With the above directions, the Criminal Petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Date: 28-09-2015

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