

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.P.No.9184 of 2010

ORDER:

This Criminal Petition is filed by the Petitioner-accused to quash the proceedings initiated against him in C.C.No.250 of 2009 on the file of the VI-Additional Judicial Magistrate of First Class, Guntur, registered for the offences punishable under Sections 506 and 509 I.P.C.

On a complaint filed by the wife of the petitioner i.e., 1st respondent herein, a case in Crime No.82 of 2009 was registered against the petitioner by the Police, Old Guntur Law and Order Police Station, for the aforesaid offences and took up investigation. Eventually, after completion of investigation, the Sub Inspector of Police, Old Guntur Law and Order Police Station, filed charge sheet against the accused under the aforesaid offences and the same was taken on file as C.C.No.250 of 2009.

Heard the learned Counsel appearing for the petitioner and the learned Public Prosecutor, representing the State.

The contention of the learned Counsel for the petitioner is that the allegations in the charge sheet do not constitute an offence under Sections 506 and 509 I.P.C. His further contention is that the petitioner is innocent of the offence and he has been falsely implicated in the case.

All the aforesaid contentions fall within the purview of disputed questions of fact. A perusal of the allegations in the charge sheet as well as statements of witnesses would clearly reveal a *prima facie* case against the petitioner herein for the aforesaid offences. The truth or otherwise of the allegations cannot be gone into in this petition and it can only be decided during the course of trial. Therefore, I see no reason to interfere with the matter at this stage by quashing the

proceedings against the petitioner.

For the aforesaid reasons, the Criminal Petition is dismissed. However, the trial Court is directed to proceed with the trial of the aforesaid Calendar Case and dispose of the same as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

13-10-2015

Gsn