

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO
CRIMINAL PETITION No.7487 of 2015

ORDER :

This criminal petition is filed by the petitioner/accused under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.340 of 2014 on the file of the Additional Judicial Magistrate of First Class, Kadiri, for the offences punishable under Sections 448, 342, 365 and 506 IPC.

2. Heard the learned counsel for the petitioner and the 1st respondent-State represented by the Public Prosecutor, before admission and before notice to the 2nd respondent and perused the material on record.

3. The above calendar case is an out come of report of the 2nd respondent-*de facto* complainant, no other than the wife's paternal grandmother of the petitioner/accused, left marriage or in living relationship as the case may be. Though it is one of the contentions by the learned counsel for the petitioner that the paternal grandson of the *de facto* complainant filed CrI.P.No.1801 of 2012 dated 31.08.2012 before the Additional Judicial Magistrate of First Class, Kadiri, stating three police constable of Chinna Chowk Police Station of YSR Kadapa District forcibly taken his parents i.e., son and daughter-in-law of the *de facto* complainant of Crime No.76 of 2012 vide C.C.No.340 of 2014 in a jeep and the search warrant petitioner is no

other than the son of allegedly abducted persons. According to the petitioner, the police of Chinna Chowk Police Station taken away two persons on 28.08.2012 whereas the report in Crime No.76 of 2014 speaks as if the accused persons along with some others taken away forcibly from house and thereby the above versions are contradictory to each other no way sustainable to continue the crime, much less for the police to investigate and file final report or the learned Magistrate to take cognizance without perusal of the same, hence the calendar case proceedings are liable to be quashed. A perusal of the facts falls short to say the same serves as defence to the accused.

4. Having regard to the above, the criminal petition is disposed of for no ground to admit the calendar case proceedings.

5. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

26th August 2015.

mar