

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No.2564 of 2015

ORDER:

This criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') requesting to quash the proceedings in C.C.No.608 of 2014 on the file of V Additional Junior Civil Judge, Guntur, Guntur District, which was filed against the petitioner herein, who is arraigned as accused, on the complaint of the 2nd respondent herein for the offences punishable under Sections 420, 506 and 354 I.P.C.

2. The facts, as revealed from the complaint and the charge sheet, are that there was a land dealing between the petitioner and the 2nd respondent, in which the petitioner promised the 2nd respondent that there are plots at cheaper rate and took a sum of Rs.43 lakhs in different instalments as the 2nd respondent impressed upon him that he would get plots registered or the amount would be returned, and, on 05.03.2014 at about 10-00 a.m., when she met the petitioner near her house and demanded her to return the amount, the petitioner alleged to have abused her in filthy language and even beat her and threatened her with dire consequences, basing on which, a complaint was lodged by the 2nd respondent against the petitioner and the same was registered as a case in Crime No.136 of 2014, which culminated into filing charge sheet and the same was taken on file by the learned V Additional Junior Civil Judge, Guntur in C.C.No.608 of 2014.

3. Heard both sides.

4. Learned counsel for the petitioner submits that there is absolutely no material worth the name to clutch the offence punishable under Section 354 I.P.C. It is also submitted that no dates have been mentioned as to payment of amounts as

mentioned by the complainant and no specific plots or extents have been alleged to have been promised by the petitioner being provided to the 2nd respondent and it is only a case foisted against the petitioner, and, therefore, sought to quash the proceedings in the calendar case.

5. Learned Additional Public Prosecutor resisted the request of the petitioner contending that there is clear allegation in the complaint as to attempt to outrage the modesty of the 2nd respondent.

6. Perused the material on record. Of course, statements of witnesses recorded by the police under Section 161 of the Code have not been placed on record. Now the instant calendar case is coming up for framing of charges. In view of the allegations made in the complaint, which occurs in the charge sheet, certainly, it is not a fit case, at this stage, to exercise the extraordinary jurisdiction under Section 482 of the Code to quash the proceedings in the calendar case.

7. Therefore, the criminal petition is dismissed. However, the petitioner/accused is at liberty to move an application for discharge before the concerned Magistrate, and, in such an event, it is for the learned Magistrate to dispose it of in accordance with law.

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

A. SHANKAR NARAYANA, J

20th April, 2015

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