

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.15872 OF 2016

ORDER:

This criminal petition, under Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to quash the proceedings in CC No.721 of 2015 pending on the file of VIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, for the offences punishable under Sections 324 and 506 of Indian Penal Code, 1860 (for short, 'I.P.C.')

The case of the second respondent in brief is that on 08.05.2015 at about 7.15 PM one person by name Hyder, R/o. Beside Chandni Function Hall, New Malakpet, Hyderabad, threatened Mouzzan and Imam of their Masjid (Mohiuddinunnisa Begum) for severe and bad consequences and unnecessarily involved in the peaceful administration of the Masjid the locality people made that person to understand that the post of Imam and Mouzzan is respectful and this type of treatment will be highly objectionable and in reply the petitioner herein started beating him with knuckle punch due to this he received bleeding injuries on his lips and teeth got damaged.

On the strength of the complaint, police registered a case in Cr.No.259 of 2015 for the offence punishable under Section 324 of I.P.C. and investigated into. During investigation, the police examined witnesses including the Doctor, who treated the second respondent, he opined that the injury sustained by the second respondent is simple in nature.

The only contention before this court is that the second respondent only received simple injury that would not attract an

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offence punishable under Section 324 of I.P.C. and sought for quashing the proceedings.

As seen from the allegations made in the charge sheet, the petitioner allegedly caused bleeding injuries to the second respondent on his lips and teeth, due to fisting and caused damage to his teeth and such act would constitutes an offence punishable under Section 323 of I.P.C. though not under Section 324 of I.P.C. Therefore, the punishment under Section 323 of I.P.C. is lesser than the punishment under Section 324 of I.P.C. and the court, if concluded after trial, may impose punishment for the lesser crime. The allegations made in the charge sheet on its face value would constitute an offences punishable under Sections 323 and 506 of I.P.C., though not under Section 324 of I.P.C. and hence, in view of guideline No.1 laid down by the Apex Court in **STATE OF HARYANA vs. BHAJAN LAL**¹, it is not a fit case to quash the proceedings in C.C.No.721 of 2015 pending on the file of VIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

In the result, the criminal petition is dismissed.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 10.11.2016
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¹ (1992) SUPP (1) SCC 335