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THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.4495 of 2016

ORDER:

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The Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) seeking to quash the proceedings in C.C.No.988 of 2014 on the file of the Judicial Magistrate of First Class, Bhadrachalam, Khammam District, arising out of offences under Sections 290 and 160 IPC.

Heard and perused the material available on record.

Learned counsel for the petitioners submits that in view of the disputes among the family members, false case has been foisted against the petitioners herein and that the petitioners have not committed any of the offences alleged against them. Hence, he prays this Court to quash the proceedings initiated against the petitioners herein.

The petitioners are alleged to have committed offences under Sections 290 and 160 IPC. As per Section 290 IPC, whoever commits a public nuisance shall be punished with fine, which may extend to two hundred rupees. Insofar as offence under Section 160 IPC is concerned, whoever commits an affray, shall be punished with imprisonment of either description for a term which may extend to one month or with fine, which may extend to one hundred rupees or with both.

Considering the fact that the case is arising out of a dispute among the family members and also as the punishment prescribed in both the offences alleged against the petitioners are only fine or imprisonment of only one month and also as the case pertains to 2014, this Court is inclined to quash the proceedings initiated against the petitioners.

The criminal petition is accordingly allowed and the proceedings in C.C.No.988 of 2015 on the file of the Judicial Magistrate of First Class, Bhadrachalam, Khammam District, are hereby quashed and the petitioners are acquitted of the offences alleged against them. It is made clear that in view of quashing of proceedings against the petitioners herein, the proceedings initiated against the other accused in crime No.104 of 2014 on the file of the P.S., Burgampad, who have not approached this Court, are also quashed and

they are also acquitted of the charges levelled against them.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

31.03.2016
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JUSTICE RAJA ELANGO