

THE HON'BLE SRI JUSTICE RAJA ELANGO

CrI.P.No.1755 of 2014

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ORDER

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This petition under Section 482 Cr.P.C. is filed by the petitioner/accused seeking to quash the proceedings in Cr.No.36 of 2014 of Malakpet Police Station, Hyderabad, registered for the offences punishable under Sections 506 and 509 IPC, against him.

2. It is alleged in the complaint that the petitioner/accused was initially lodged a complaint against the de facto complainant and others for cheating and forgery and the same was registered before the Malakpet Police Station and since then, the accused was harassing the de facto complainant and his family members for the whereabouts of Jahangir and Khursheeda Begum, who were involved in the case filed by the accused, and also threatening him with dire consequences by using abusive language and by calling him in the late night. Based on the complaint, a case in Cr.No.36 of 2014 was registered against the petitioner/accused for the offences punishable under Sections 506 and 509 IPC.

3. Heard and perused the record.

4. Learned counsel for the petitioner submits that since the petitioner had earlier filed a complaint against the de facto complainant and others, which was registered before the Malakpet Police Station, the present complaint has been lodged against him falsely as a counterblast.

5. A perusal of the complaint would show that the petitioner herein lodged a complaint initially against the de facto complainant and others for cheating and forgery, which was registered before the Malakpet Police Station. It is also stated that the petitioner was harassing the de facto complainant for the whereabouts of the other accused in that case and threatening him with dire consequences by using abusive language, but the de facto complainant has not stated the date, time and the place of alleged occurrence and also the abusive words uttered by the petitioner. It also appears from the record that a civil suit is also pending between the petitioner and the de facto complainant. Considering the facts and circumstances of the case, this Court is of the view that the present complaint is filed aggrieved by the registration of a case on the basis of the complaint given by the petitioner/accused and also a civil suit preferred by the petitioner against the de facto complainant and others. Therefore, this Court is of the view that continuation of criminal proceedings against the petitioner/accused is nothing but an abuse of process of Court.

6. For the aforesaid reasons, the Criminal Petition is allowed, and the proceedings in Cr.No.36 of 2014 of Malakpet Police Station, Hyderabad, are quashed against the petitioner/accused. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

RAJA ELANGO, J

22nd February, 2016

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