

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.1940 OF 2016

ORDER:

1. This Criminal Petition is filed by the petitioner-accused under Section 482 of Code of Criminal Procedure seeking to quash the proceedings against him in P.R.C.No.14 of 2014 on the file of the Chief Metropolitan Magistrate, Hyderabad.

2. Heard the learned Counsel for the petitioner-accused and the learned Public Prosecutor and perused the material available on record.

3. The petitioner is alleged to have committed the offence punishable under Section 3 (1)(x) of the SCs & STs (POA) Act and Section 506 IPC.

4. The main contention raised by the learned Counsel for the petitioner is that the petitioner has lodged a complaint against the de facto complainant stating that the de facto complainant intends to file a false complaint against the petitioner in the SC/ST atrocities cases, and the said complaint lodged by the petitioner was registered as Crime No.401 of 2013 for the offences punishable under Sections 290, 323 and 506 IPC, and after one month, the present complaint was lodged against the petitioner and that even according to the de facto complainant, the occurrence took place in the house of the petitioner.

5. The truth or otherwise of the grounds raised by the learned Counsel for the petitioner cannot be decided by this Court since it is a matter to be decided by the trial Court. Therefore, the petitioner is directed to face the trial. Since the identity of the petitioner is not in question, his presence before the committal

Court as well as the trial Court is dispensed with except on the dates when his presence is insisted by the Courts below. The petitioner shall be represented before the committal Court as well as the trial Court through a Counsel on all hearing dates.

6. With the above directions, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

Date: 17.02.2016

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