

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

CrI.P. No. 8590 of 2012

ORDER:-

This Criminal Petition is filed seeking to quash the proceedings in S.C.No. 297 of 2012 on the file of the Court of the Principal Senior Civil Judge, R.R. District at L.B. Nagar.

This Court, on 06.12.2016, made the following order:

“Vide the present petition, the petitioner seeks a direction thereby to call for the records relating to the proceedings in S.C.No. 297 of 2012 on the file of the Principal Senior Civil Judge, R.R. District at L.B. Nagar and to quash the same.

Learned counsel appearing on behalf of the petitioner submits that even the allegations made by the *de facto* complainant are taken at their face value and accepted in their entirety to not constitute the alleged offence under Section 307 IPC. He further submits that as per the FIR, the name of the petitioner is not mentioned and there is no whisper or mention about the name of the petitioner. Even as per the contents of the complaint and FIR, it clearly shows the rash and negligent driving, and hence, ingredient of Section 307 IPC do not attract.

A close perusal of the complaint given by the second respondent clearly shows that the sentence that “due to previous enmity, an attempt was made to kill him”, is inserted later on, which is an after thought only to implicate the petitioner herein for the offence punishable under Section 307 IPC.

Learned counsel for the petitioner has drawn attention of this Court to the complaint at page 13, which is scribed in Telugu language.

It is not part of the original complaint.”

Accordingly, the Investigation Officer was directed to remain personally present in the Court.

The learned Additional Public Prosecutor appearing on behalf of the 1st respondent has produced the *de facto* complaint before this Court. The subsequent Investigation Officer, who is also present before this Court, has informed that the Investigation Officer who registered the crime at the relevant point of time, has expired. This Court has examined the *de facto* complainant who has stated that the complaint in question was not written by him, however he dictated the same to some person available in the police station. He has also admitted that the words “due to previous enmity, an attempt was made to kill him” have been inserted in the complaint and these words have not been dictated by him and he does not know who inserted them in the complaint. It seems that the then Investigation Officer inserted those words to make a false case against the petitioner. In the complaint, there is no whisper or mention about the name of the petitioner. Even as per the contents of the complaint and FIR it clearly shows the rash and negligent driving, and hence, ingredients of Section 307 IPC do not attract.

In view of the above recorded facts, I hereby quash the proceedings in S.C.No. 297 of 2012 on the file of the Court of the Principal Senior Civil Judge, R.R. District at L.B. Nagar.

Accordingly, the Criminal Petition is allowed.

As a sequel, Miscellaneous Petitions, if any pending,
shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

15.12.2016

bcj

