

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2128 OF 2016

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ORDER:
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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 Crime No.18 of 2016 on the file of Proddatur I Town Police Station, Y.S.R. Kadapa, registered for the offence punishable under Section 353 IPC.

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

3. It is alleged in the complaint that while the 1st respondent along with his staff was removing the encroachments at Dorasani Palle, he received a call from the Commissioner and then, he went to the Chamber of the Commissioner. At that time, one M.L.A., his followers and the petitioner were present there. While the MLA was warning the 1st respondent for not taking action on the encroachments in the town, the petitioner beat the 1st respondent, whereas it is the case of the petitioner that he went along with MLA to the office of the Commissioner and complained against the informant for his inaction on several illegal constructions in the town and the Commissioner called the informant and questioned him, for which the informant along with the Revenue Inspector and clerk came to the petitioner, caught hold of his shirt, slapped him and shouted at him saying that his complaint will not do anything to him and pushed him, on account of which he fell down and received injury to his ear.

4. The truth or otherwise of the said allegations can be

ascertained by the investigating agency during the course of investigation. Therefore, this Court is not inclined to interfere with the proceedings in the above crime.

5. At this stage, the learned Counsel for the petitioner submitted that in view of the pendency of the above crime, the petitioner apprehends arrest and also the harassment in the hands of the 2nd respondent-police.

6. In view of the above submission, the 2nd respondent-police are directed to complete the investigation without arresting the petitioner and file a final report, if any, in accordance with law. The petitioner is also directed to appear before the Investigating Agency as and when required and cooperate with the Investigating Agency.

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

JUSTICE RAJA ELANGO

Date: 19.02.2016

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