

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.15744 OF 2016

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to quash the proceedings in C.C. No.155 of 2013 pending on the file of Judicial Magistrate of First Class, Atmakur, SPSR Nellore District, on the ground that no such incident alleged in the charge sheet was occurred and the dispute was only between L.W.3 and the petitioners and that the petitioner never caused any injury on the body of L.Ws.1 and 2.

L.Ws.1 and 2 are the Police Constables and the alleged incident took place on 14.09.2011 at about 13.30 hours at Atmakur Police Station in L.R. Palli, Atmakur town, while L.Ws.1, 2 and 5 were going to board Government Jeep, noticed accused abused L.W.3 in filthy language and they were about to beat her, L.Ws.1, 2 and 5, who were discharging their lawful duty as police officials, went to apprehend the accused and to rescue L.W.3, the accused picked up altercation with L.Ws.1 and 2 and with a common intention to assault police personnel revolted upon L.Ws.1 and 2 and caused injuries, while scolding in filthy language. The alleged act is a serious offence against the police personnel, who are discharging their lawful duty by the time of alleged occurrence.

Section 332 I.P.C. prescribes certain punishment for voluntarily causing hurt to deter public servant from his duty. Whoever voluntarily causes hurt to any person being a public

servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant.

Here L.Ws.1, 2 and 5 are tried to apprehend the petitioners that they made an attempt to cause injury to L.W.3, thereupon they picked up quarrel with L.Ws.1, 2 and 5 and caught hold of the shirt of L.W.2, torn the uniform, scrapped his neck with her nails and caused injuries on his neck and chest besides pulled his gold chain while they are discharging their lawful duty, while abusing them in filthy language. Such acts, if proved, on its face value would constitute an offence punishable under Section 332 read with section 34 I.P.C.

Therefore, this court cannot exercise jurisdiction under Section 482 Cr.P.C. when the allegations made in the charge sheet on its face value would constitute an offence punishable under Section 332 I.P.C. in view of guidelines laid down by the Apex Court in **State of Haryana vs. Bhajan Lal**¹.

In view of my foregoing discussion, I find no ground to quash the proceedings against the petitioners in CC No.155 of 2013 pending on the file of Judicial Magistrate of First Class, Atmakur, SPSR Nellore District.

¹ (1992) SUPP (1) SCC 335

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In the result, the criminal petition is dismissed at the stage of admission.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 07.11.2016

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