

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.16175 OF 2016

ORDER:

This Criminal Petition, under Section 482 Cr.P.C., is filed to quash the proceedings in C.C. No.40 of 2015 pending on the file of Additional Judicial Magistrate of First Class, at Bhongir, Nalgonda District, against the petitioners for the offences punishable under Sections 143, 452, 323, 324, 365 read with Section 34 of I.P.C.

The specific allegations made against the petitioners are that on 10.11.2016 at about 1600 hours, while the second respondent was present near a barber shop at Thimmapuram Village, Gaddam Suvarna, her parents, and some other came to him and beat him. Being scared with their acts, he went into his house. Again the above persons with malafide intention, trespassed into his house and beat him with hands while the father of Gaddam Suvarna namely Gaddam Kistaiah beat him with a stick on his left hand wrist and caused a bleeding injury. Thereafter all the above persons forcibly took him in Silver colour Toofan Vehicle bearing No.AP-02-Y-5487. When he raised hue and cries, the villagers stopped the vehicle and rescued from their clutches. During enquiry, he came to know that the above persons are Adarla Mahender, Ramavath Rakesh, Surapally Vinod, Chitram Srikanth, Pasham Gnaneshwar, M.D.Jammer, S.D.Idrees, Vanamala Shiva, Chakura Srinu, Thokala Shekhar, Munaganuru Srikanth, and Vankayala Ajay, all are residents of Ibrahimpatnam, Rangareddy District. But the

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petitioners 1 to 3 alone caused injuries on his body. During investigation, the investigating agency collected material and concluded that the A.1 along with other accused with an intention to get the marriage of A.3 Gaddam Suvarna with the second respondent, on 10.11.2014 at about 15 hours A.1 to A.3 along with A.4 to A.16 who are the colleagues of A.2 belong to Kandukru Village and Ibrahimpatnam of Rangareddy District respectively formed into unlawful assembly came to Thimmapuram Village and when the second respondent was at barbar shop, caused injuries on his body and made an attempt to shift him in Toofan Vehicle. Thus, the allegations made in the complaint on its face value would constitute an offence punishable under sections 143, 452, 323, 324, 365 read with 34 of I.P.C.

As the accused are more than four in number the investigating agency filed charge sheet for the offences punishable under Sections 143, 452, 323, 324, 365 read with 34 of I.P.C., but the offence allegedly committed by the petitioners falls within the ambit of Section 147 or 149 of I.P.C.

In any view of the matter, it is the contention of the petitioners that earlier the second petitioner filed complaint in Cr.No.82 of 2014 of Bommaramaram Police Station registered against the second respondent for the offences punishable under Sections 417 and 376 of I.P.C. and Section 3(1)(xii), 3(2) (v) of SC/ST (POA) Act, 1989. But that itself is not a ground to quash the proceedings and it is a different offence which is unconnected with the alleged crime.

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It is settled law that this court can exercise its jurisdiction under Section 482 of Cr.P.C. sparingly in exceptional circumstances where the allegations made in the charge sheet on its face value would not constitute an offence *prima facie* or when the second respondent resorted to abuse of process of court or wreak vengeance against any one of the accused as per guideline Nos.1 and 7 laid down by the Apex Court in **STATE OF HARYANA VS. BHAJAN LAL**¹. But here the allegations made in the charge sheet would constitute an offence *prima facie* and there is nothing on record to attribute any *malafides* or to conclude that the second respondent lodged the complaint to wreak vengeance as an abuse of process of the court. Therefore, I find no ground to quash the proceedings at this stage.

In the result, the criminal petition is dismissed.

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

M. SATYANARAYANA MURTHY, J

Date: 09.12.2016
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¹ 1992 Supp (1) SCC 335