

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.14523 OF 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the charge sheet filed in S.T.C.No.86 of 2016 on the file of Special Judicial Magistrate of First Class, Jangaon, Warangal District on the ground that the allegations made in the charge sheet would not attract the offence punishable under Section 290 I.P.C.

The main allegation made in the charge sheet is that on 31-1-2016, at about 5.30 P.M., the petitioner along with two others got down from the car along with another lady and threatened the defacto complainant with dire consequences on the ground that how long he will protect his co-brother Mr.Ramachandra Reddy and his sister-in-law Rama.

Section 290 I.P.C. deals with punishment for public nuisance in case not otherwise provided by Section 268 I.P.C. and defines the words "public nuisance" and the said Section 268 of I.P.C. reads as follows:

*"A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right.*

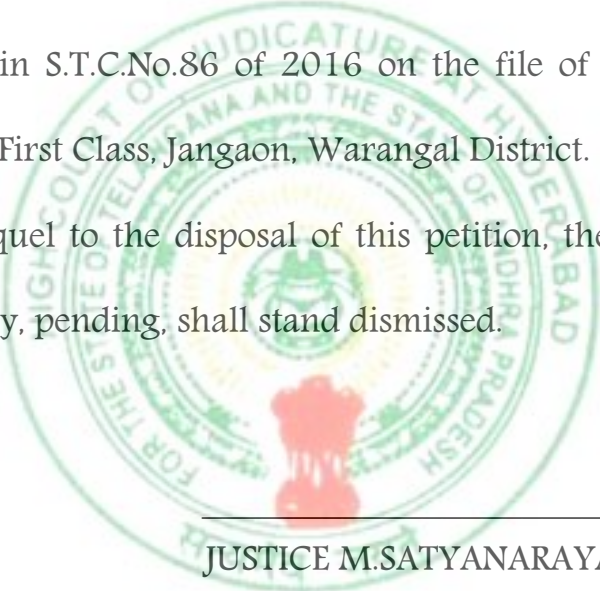
*A common nuisance is not excused on the ground that it causes some convenience or advantage."*

In the present case, if the allegations made both in the complaint and charge sheet would not fall within the definition of Section 268 of I.P.C., the question of punishing him under Section 290 of I.P.C. does not arise and thereby, the charge sheet can be quashed by exercising powers under Section 482 Cr.P.C.

Therefore, I find it a fit case to quash the charge sheet in S.T.C.No.86 of 2016 on the file of Special Judicial Magistrate of First Class, Jangaon, Warangal District.

Accordingly, this Criminal Petition is allowed quashing the charge sheet in S.T.C.No.86 of 2016 on the file of Special Judicial Magistrate of First Class, Jangaon, Warangal District.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.



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JUSTICE M.SATYANARAYANA MURTHY

Dated 17-10-2016.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



CRIMINAL PETITION No.14523 OF 2016

Dated 17-10-2016.

Dvs