

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.13011 OF 2016

ORDER:

This petition is filed by the petitioners-accused Nos.1 to 5 under Section 482 Cr.P.C. seeking to quash the proceedings against them in Crime No.110 of 2016 on the file of Kota Police Station, SPSR Nellore District, registered for the offence punishable under Sections 323, 427, 448 r/w 34 IPC and Section 3 (1)(r) (s) of SCs & STs (POA) Amendment Act, 2015.

Heard and perused the material available on record.

It is alleged that the 2nd respondent-de facto complainant was running a motor bike show room in the premises of A1 for lease. There are disputes between the 2nd respondent and A1 with regard to rent. Owing to such disputes, A1 to A5 and their followers trespassed into the show room, beat the 2nd respondent with hands, legs and also beat her staff and abused one Uma, who was working as computer operator, in the name of her caste, and destroyed the furniture.

Learned Counsel for the petitioners submitted that the petitioners have not committed any offence as alleged and that the 2nd respondent filed a civil suit against A1 and now, she is filing false complaints against the petitioners.

Learned Additional Public Prosecutor opposed this petition.

Considering the facts and circumstances of the case and the nature of offence, this Court is not inclined to grant the relief sought by the petitioners. However, the 1st respondent-police concerned are directed to complete the investigation and file a final report, if any, without arresting the petitioners. In the event of necessity, the 1st respondent-police are

directed to issue notice to the petitioners to appear before the investigating agency for the purpose of investigation. On issuance of such notice, the petitioners are directed to appear before the investigating agency and give an undertaking as to their future appearance as and when required for the purpose of investigation.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 2.9.2016

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DATED 2.9.2016

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