

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.15353 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. to quash the proceedings in C.C.No.138 of 2016 pending on the file of Principal Judicial Magistrate of First Class, Sattupally, Khammam District for the offences punishable under Sections 294-B, 323, 341, 448 and 506 read with 34 of I.P.C.

The case of the prosecution from the beginning itself is that the defacto complainant and petitioners are closely related and there were civil disputes regarding partition of the property pending before the competent court but in connection with the said civil dispute, panchayat was proposed to be held on 17.2.2016 at Nuzvid and the petitioners are supposed to attend before the panchayat for deciding disputes while the second respondent prepared to proceed to panchayat, the petitioners came in a car bearing No.TS 04 EF 3143 to the house of the defacto complainant and trespassed into the house and abused him in filthy language and beat him and threatened him with knife and with dire consequences to kill him if he comes out from the house and pulled the cell phone from the possession of the defacto complainant. Thus, the allegations or acts attributed to the petitioners would certainly attract the alleged offences punishable under Sections 294-B, 323, 341, 448 and 506 read with 34 of I.P.C. on its face value, therefore it is not a fit case to quash the proceedings at this stage.

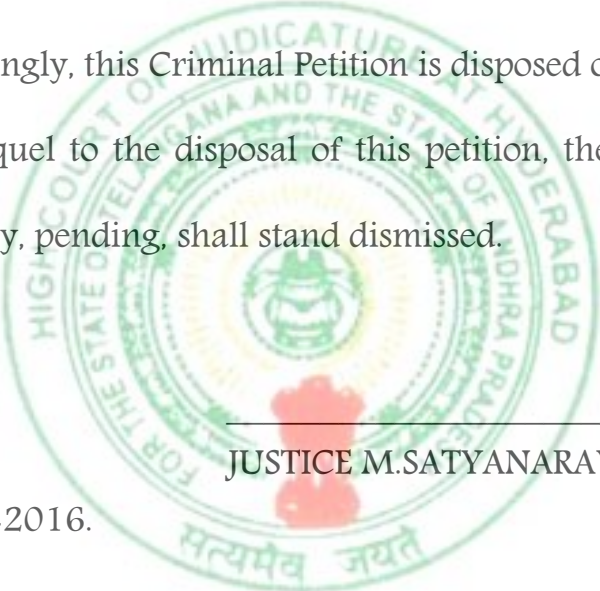
However at this stage, learned counsel for the petitioners requested this court to dispense with the presence of the petitioners

before the learned Judicial Magistrate of First Class, Sattupally, Khammam District.

But this court cannot pass order dispensing with the appearance of the petitioners before the said court while exercising powers under Section 482 Cr.P.C. , However, the petitioners are permitted to file an appropriate application before Judicial Magistrate of First Class, Sattupally, Khammam District and the learned Magistrate is directed to decide the said application on the same day itself after issuing notice to the Public Prosecutor.

Accordingly, this Criminal Petition is disposed of.

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 28-10-2016.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 28-10-2016.

Dvs