

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2279 OF 2016

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ORDER:

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This petition is filed by the petitioners-A4 & A5 under Section 482 Cr.P.C. seeking to quash the proceedings against them in C.C.No.293 of 2010 on the file of the Judicial First Class Magistrate, Kodangal, Mahaboobnagar District.

Heard and perused the material available on record.

It is alleged that A1, who occupied the shop of the de facto complainant, did not pay rents to A1. Then, the de facto complainant filed a suit and obtained decree in his favour. But A1 did not vacate the shop. While so, A1 along with her family members formed themselves into an unlawful assembly and beat the wife of the de facto complainant. When the de facto complainant intervened, they also beat him with sticks and rods and caused bleeding injuries on his head and on the head of his wife. Thus, the petitioners committed the offence punishable under Sections 147, 148, 324, 504 and 506 r/w 149 IPC.

Learned Counsel for the petitioners submitted that civil disputes are pending between the petitioners and the de facto complainant over the ownership of the property in question and that the de facto complainant hatched up a plan to implicate the petitioners and their family members to settle the dispute in his favour. He further submitted that the 1st petitioner is a pregnant woman and the 2nd petitioner is a student and that they did not play any role in the alleged incident and they were falsely implicated in the above crime.

The truth or otherwise of the grounds raised by the learned Counsel for the petitioners can be decided by the trial Court. The petitioners are at liberty to file an application before the trial Court raising all the above grounds and seeking discharge. On such application being filed, the trial Court is directed to dispose of the same

in accordance with law. Till disposal of such discharge application, the presence of the petitioners before the trial Court is dispensed with. If the petitioners fail in the discharge application, they are at liberty to challenge the same before the appropriate Court.

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

JUSTICE RAJA ELANGO

Date : 24.2.2016
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DATED 24.2.2016

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