

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL PETITION NO.13552 OF 2010

ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

The present Criminal Petition is filed by the petitioner/accused seeking to quash the proceedings initiated against him in PRC.No.51 of 2010 on the file of the Court of Additional Judicial Magistrate of First Class, Sathupalli for the offences under sections 333 and 510 of IPC of Aswaraopet Police Station.

Brief facts of the case are that basing on the report given by the 2nd respondent, Crime No.98 of 2010 was registered against the petitioner herein for the offences under sections 333 and 510 of IPC. On 11.7.2010, the petitioner who is a native of Makkinavarigudem went to Aswaraopet RTC Bus Stand to go to Hyderabad. When, he miscondacted in public place, he was apprehended by the Home Guards who were on beat duty and after asking his identity, they have taken him to the police station. Thereafter, the petitioner was sent away. Later, the petitioner went to a tea stall nearby and miscondacted again in public in a drunken condition, whereupon he was taken to the police station once again. In the Police Station, the petitioner had an argument with the 2nd

respondent/incharge of the Police Station and obstructed him in discharging his official duties and beat him with hands and thrown him on the ground causing injuries. Pursuant to registration of Crime No.98 of 2010, investigation was conducted and charge sheet was filed. After filing of the charge sheet, the Court below has taken cognizance of the case and numbered the case as PRC.51 of 2010 on the file of the Court of Additional Judicial Magistrate of First Class, Sathupalli. Aggrieved by the same, the present Criminal Petition is filed.

Learned counsel for the petitioner would contend that the petitioner has not committed any offence much less the offences as alleged against him. The 2nd respondent suppressed the genesis of the case and falsely filed a case against him and the cognizance of the alleged offences taken against the petitioner is illegal.

Learned counsel for the petitioner further submitted that the petitioner, being a responsible citizen, questioned the high-handed attitude of the 2nd respondent and another when they were misbehaving with the passengers at Aswaraopet Bus Stand creating panic in the vicinity. They developed grudge against the petitioner and taken him to the police station and foisted a false case against him. The police managed the Doctor and got a certificate to the effect that the petitioner is

under the influence of alcohol and got a Wound Certificate in favour of the 2nd respondent in order to show that the petitioner assaulted and obstructed the 2nd respondent while he was discharging his official duties and the entire version of the 2nd respondent cannot be believed as it is far from truth. Therefore, the petitioner prayed to quash the proceedings in PRC.No.51 of 2010 against him.

Per contra, learned Public Prosecutor, has drawn the attention of this Court to the charge sheet where specific averments are made with respect to examination of the witnesses, recording their statements, taking the 2nd respondent/LW1 to the Government Hospital, Aswaraopet for treatment and the Medical Certificate. Later, the petitioner was arrested, duly informing the ground of his arrest to him and his father. As the acts of the petitioner amounts to commission of an offence for the offences under sections 333 and 510 IPC, no case is made out to quash the proceedings in PRC.51 of 2010 and the criminal petition is liable to be dismissed.

A perusal of the charge sheet would clearly indicate that on 11.7.2010, the petitioner went to Aswaraopet Bus Stand to go to Hyderabad at about 11.00 hours and he misconducted in public place, whereupon LW2 Home Guard and LW3 Head

Constable asked the identity of the petitioner who was in a drunken condition and later took the petitioner to the police station and narrated the same to the 2nd respondent/LW1, incharge of the Police Station. Later, the 2nd respondent advised the petitioner and sent him out of the police station. Afterwards, the petitioner went to the tea stall of LW6 where he misconducted in public in drunken condition and again he was taken to Aswaraopet Police Station. There he developed argument with the 2nd respondent/LW1 and obstructed him in discharging his official duties and beat him with hands and thrown him on the ground causing injuries.

Therefore, a prima facie case is made out for the offences under sections 333 and 510 IPC. Hence, this Court feels that it is not a fit case where the extra-ordinary jurisdiction of this Court under section 482 Cr.P.C. can be invoked and the proceedings initiated against the petitioner can be quashed.

Accordingly, the criminal petition is dismissed. Interim stay granted on 31.12.2010 is vacated.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

KESHAHA RAO,J

Date:22.12.2017

KPM