

THE HON' BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1156 of 2017

ORDER:

In the present Criminal Petition, the petitioners/ Accused Nos.1 to 3 request to exercise power under Section 482 of the Code of Criminal Procedure to quash the proceedings against them in Crime No.53 of 2014 of Alladurg Police Station.

The petitioners alleged to have committed the offences punishable under Sections 307 and 506 read with 34 IPC.

Heard Sri Praveen Kumar Dubey, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana on behalf of respondent No.1.

Learned counsel for the petitioners would mainly submit that due to political rivalry, the petitioners herein are falsely implicated by the *de facto* complainant; that the words “balamaina ayudhamtho” are subsequently inserted in the complaint, dated 12.06.2014, which are clearly visible to a naked eye; that initially the crime was registered for the offences punishable under Sections 324 and 506 read with 34 IPC, but, subsequently, by alteration memo, the said Sections were altered to Section 307 read with 34 IPC and Section 3 (1) (x) of SC/ ST (POA) Act, 1989; and that again later on, the offence punishable under the Special Act i.e., SC/ ST (POA) Act was deleted by filing an alteration memo to that effect. It is further submitted by the learned counsel that insertion of the words “balamyna ayudhamtho” in the complaint subsequently and the political rivalry spoken to by the very victim in his statement recorded

under Section 161 of Cr.P.C., are sufficient enough at this stage to quash the proceedings in the present crime against the petitioners.

It is no doubt true, there appears to be insertion of some words in the complaint, but the question is whether such insertion was made at the time when the complaint was drafted or whether it was made subsequently, can only be looked into during trial when the complainant gets into the witness box and faces cross-examination. So far as the submission touching political rivalry is concerned, in fact, motive loses its significance or motive is insignificant in a case of this nature. Even otherwise, just basing on political rivalry, false implication of the petitioners cannot be viewed at this stage. Therefore, there are no grounds to quash the proceedings against the petitioners in the present crime.

Accordingly, the Criminal Petition is dismissed at the stage of admission itself.

Miscellaneous applications, if any pending in the present petition, stand closed.

JUSTICE A. SHANKAR NARAYANA

13.02.2017

v v