

THE HON'BLE SRI JUSTICE P.KESAVA RAO

CRIMINAL PETITION NO.7717 OF 2011

ORDER:

The Criminal Petition is filed by the petitioner-accused to quash the proceedings initiated against him in F.I.R.No.77 of 2011 for the offence under section 509 IPC of P.S. Aize, Mahabubnagar District.

The facts of the case are that on 20.7.2011 the second respondent lodged a complaint with the Sub Inspector of Police, Aize, stating that when she went out to attend the calls of nature, the petitioner was abusing her and some others. During night time, he was switching on the battery and abusing them sexually. When the same was brought to the notice of other villagers, they scolded him. In-fact, on 19.7.2011 at about 8.00 pm when the second respondent and one Kummari Buchamma and other ladies went to attend the calls of nature, the petitioner switched on the battery light and abused in un-parliamentary language. Out of fear, they went to their houses. Basing on the said complaint, the Inspector of Police, registered a crime vide F.I.R.No.77 of 2011 for the offence under section 509 IPC in P.S. Aize, Mahabubnagar, against the petitioner. Aggrieved by the same, the present criminal petition is filed by the petitioner-accused.

Learned counsel for the petitioner would contend that the petitioner is a pujari in Abhayanjaneya Swamy Temple. Before him, his father was performing puja in the temple situated at old bus stand, Aize village. In-fact, the petitioner herein and his daughter filed a complaint before the Superintendent of Police, Mahabubnagar, to protect the property belonging to Abhayanjaneya Swamy Temple. However, some of the land grabbers who are trying to encroach the said property belonging to the temple, instigated the second respondent and others to file the present complaint. He also contended that the petitioner is innocent of

the charges leveled against him and he has not committed any offence much less the alleged offence in the complaint. The complaint is filed out of personal grudge that the petitioner is protecting the property of the temple and requested to quash the proceedings.

A perusal of the complaint dated 20.7.2011 would show that serious allegations are made against the petitioner with reference to date and time for the commission of offence under section 509 IPC. The case is at the stage of investigation. In the light of the aforesaid submissions, this Court would feel that it is not the stage where the proceedings can be quashed. But, at the same time, the letter dated 8.7.2011 submitted by the daughter of the petitioner herein to the Sub Inspector of Police, P.S. Aize, District Collector, Mahabubnagar, and the Superintendent of Police, Mahabubnagar would indicate that they were trying to protect the property of the temple from dumping the waste material from the houses nearby and using it as public toilet. In the light of the above said disputed questions of fact, this Court will not go into the veracity of the allegations or the contents of the complaint dated 20.7.2011 at this stage, more so, when the crime is at the investigation stage. Therefore, the criminal petition is bereft of any merits and the same is liable to be dismissed.

Accordingly, the Criminal Petition is dismissed. The interim stay granted in CrI.MP.No.8148/2011 stands vacated. Miscellaneous petitions pending, if any, also shall stand closed.

P.KESAVA RAO, J

Date: 28/12/2017

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