

THE HON'BLE SMT JUSTICE T.RAJANI

CRIMINAL PETITION NO.3092 OF 2011

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in Cr. No.90 of 2010 on the file of the Station House of Officer, Mandapeta Rural Police Station, East Godavari District, which was registered pursuant to the private complaint filed before the Judl. Magistrate of I Class, Alamuru.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor appearing for the 1st respondent. In spite of notices served on them, the respondents 2 and 3 did not appear.

3. Learned counsel for the petitioners submits that there are two complaints given by the complainants earlier against some of the accused. In each of the complaint, accused in this case are added. A perusal of the complaints in all the three cases would show that different incidents are mentioned against the accused. The genesis of the allegations is no doubt a meeting conducted on 05.02.2009 and the accused passing resolution against the complainants imposing fine of Rs.1,000/-. But the acts constituting the offence in each of the complaints are different. Date of the incidents are not mentioned. But it is possible that they occurred on different dates. In such a case, it cannot be said that the cause of action for three complaints is one and the same. Hence, it is not a fit case to quash the proceedings. But, however, considering that the complaints are not very well founded, there shall be stay of arrest of the petitioners. Interim stay granted by this Court earlier is vacated.

4. With the above observation, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending, in this petition shall stand closed.

T.RAJANI, J

DATED: 03-11-2017.

Hsd

