

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.8507 of 2017

ORDER.

In this petition filed under Section 482 Cr.P.C., the petitioners/A.1 and A.2 seek to quash the proceedings against them in C.C.No.1646 of 2015 on the file of II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur.

On the report given by the second respondent, the police of K.P.H.B.Colony, Cyberabad, registered the crime No.859 of 2015 for the offences punishable under Sections 506 and 509 read with 34 and 323 I.P.C. and after investigation laid charge sheet.

The prosecution case is that on 16-9-2015 at about 8 A.M., when the wife of defacto complainant Swapna went to attend Aerobic classes at Hindu Club House, A.1 went to the said classes and unnecessarily quarreled with her about place of standing in the class and abused her in the filthy language and beat her. The matter was reported to the President of the Association and A.1 and A.2 allegedly admitted the guilt and submitted a written undertaking that they would not come to attend Aerobic classes for a period of one year. However, on the next day onwards, again both the accused gathered there and abused the wife of the complainant and threatened them with dire consequences. Hence, the report.

Seeking quashment, the learned counsel for the petitioners while criticizing the complaint allegations as false and untenable would submit that the offence took place on 16-9-2015 and the complaint was lodged belatedly on 19-9-2015 and no explanation

was offered for the inordinate delay which would indicate the falsity of the complaint.

Learned counsel would further submit that as per the complaint allegations, the accused allegedly apologized the complainant and his wife and also submitted a written letter as if they were not going to attend Aerobic classes for one year. However, Investigating Officer did not produce the alleged letter which also falsifies the prosecution case and he thus prayed to quash the proceedings.

Learned Additional Public Prosecutor opposed the petition stating that the witnesses examined by the Investigating Officer clearly deposed about the guilt of the accused and there are no merits.

As can be seen, the complaint and statement of witnesses, particularly that of L.W.3, who is said to be the President of Association of Villas, reveal a strong prima facie case against the accused. However, the truth or falsity of the prosecution case can be decided only after full-fledged trial. As the matter stands, none of the points raised by the petitioners are sufficient to quash the proceedings in view of the strong prima facie case.

Accordingly, this Criminal Petition is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

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U.DURGA PRASAD RAO,J

Dated 18-9-2017.

Dvs

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