

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1979 OF 2017

ORDR:

The present petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the Code') requesting to quash the proceedings in C.C. No.725 of 2016 on the file of I-Additional Chief Metropolitan Magistrate, Hyderabad.

2. The petitioners are arraigned as A1 & A2 respectively. They alleged to have committed the offence punishable under Section 506 of I.P.C.

3. Heard Sri Vinod Kumar Deshpande, learned senior counsel, representing Sri L.N. Bhadri Raju, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana.

4. Learned counsel for the petitioners, firstly, submits that the ingredients of Section 506 of I.P.C. are not made out in the complaint; second, the complainant is not proprietor or owner of the Star T.V. Connections business or the cable operator, as the case may be, and, therefore, the complainant has no '*locus standi*' to file the complaint and sought to quash the proceedings.

5. Learned counsel has also drawn attention to the statement of the *de facto* complainant recorded under Section 161 of Cr.P.C. and would point at the statement of fact therein, that the petitioners alleged

to have attempted to attack with hockey sticks, having sprinkled Mirchi powder, on the 2nd respondent/ *de facto* complainant, but, somehow, he has escaped and lodged the complaint.

6. Therefore, it is his submission that conducting trial would amount to abuse of process of law, where there is no material allegations to make out a case against the petitioners for the offence punishable under Section 506 of I.P.C.

7. So far as '*locus standi*' of the complainant is concerned, that cannot be a ground for the reason that taking place of any cognizable offence can be informed to the police concerned by any person. Touching the other ground that the statement as well as the complaint averments would not make out the offence punishable under Section 506 of I.P.C., it is really strange how the investigating officer just recorded the statement of the *de facto* complainant without making any effort to record the statements of others, who were said to be present as per the complaint averments, and the Sub-Inspector of Police, Saifabad P.S. is cited as L.W.2, and the investigating officer is cited as L.W.3.

8. Be that as it may, the complaint allegations would make out a *prima facie* case as to the complicity of the petitioners in the commission of the offence punishable under Section 506 of I.P.C. and the statement made to the police substantially supports the complaint

allegations. It is not a case where abuse of process of the law can be viewed, in case the trial takes place.

9. Therefore, the Criminal Petition is dismissed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

Dt.20.03.2017
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