

IN THE HIGH COURT OF JUDICATURE FOR THE STATE OF TELANGANA
AND ANDHRA PRADESH AT HYDERABAD

MONDAY THE ELEVENTH DAY OF DECEMBER
TWO THOUSAND AND SEVENTEEN

P R E S E N T

HONOURABLE SRI JUSTICE P. KESHA RAO

CRIMINAL PETITION NO. 1242 OF 2011

Between:

Macharla Venu ... Petitioner/A-4

V/s.

N. Sandhya & Anr. ... Respondents/Defacto
Complainant



Counsel for Petitioner : Sri P. Sajan Kumar

Counsel for Respondents : Public Prosecutor [TG] for R-2
None appeared for R-1

The court made the following : [order follows]

HONOURABLE SRI JUSTICE P. KESHA RAO

CRIMINAL PETITION NO. 1242 OF 2011

ORDER:

Heard the counsel for the petitioner as well as the learned Public Prosecutor.

2. The present Criminal Petition is filed by the petitioner/A-4 to quash the proceedings initiated against him in CC.No. 179 of 2010 for the offences punishable under sections 452, 323, 324, 34 read with section 114 of IPC.

3. The brief facts of the case are that the second respondent herein is the defacto complainant, lodged a complaint in Telugu stating that she and her husband have married on 18/04/2010 [Sunday] at Sri Ramachandra swamy temple. It was a love marriage. Her parents were against the said marriage. Four months after marriage, her father Burra Swamynadham and her elder sister's husband, Macherla Venu were not happy with the marriage and were trying to harm her. In pursuant to the said design on 05/07/2010 and 17/07/2010, the petitioner and some persons trespassed into the house and beat her indiscriminately resulting

in injuries on her body. In pursuance of the said complaint, a crime was registered vide FIR.No.124 of 2010 of Kazipet Police Station, registered for the offences punishable under section 452, 324 read with section 114 of IPC. After investigation, charge sheet was filed on 13/09/2010.

3. Acting on the said charge sheet, the Court below has taken cognizance of the offences and issued summons to the petitioner/A-4.

Aggrieved by the same, the petitioner, who is A-4 filed the present Criminal Petition.

4. The counsel appearing for the petitioner/A-4 would contend that no specific allegations are made against the petitioner/A-4 and in fact in the charge sheet it is mentioned that only at the instigation of the petitioner/A-4, A-1 to A-3 and some un-known persons trespassed into the house of the second respondent on 17/07/2010 and beat her. The said allegation will not satisfy the ingredients of the offences under which he has been implicated.

5. Per contra, the learned Public Prosecutor would contend that specific allegations are made against A-1 to A-4 including the petitioner

and it is not a fit case to quash when the trial court has already taken cognizance relying on the contents made in the charge sheet.

6. A perusal of the charge sheet would indicate that marriage of the first respondent was performed with her husband in a temple and it was a love marriage. The father of the first respondent and her sister's husband, who is the petitioner were not happy with the said love marriage and the first respondent was apprehending danger in their hands. In the complaint, she has narrated the specific instances on 05/07/2010 and 17/07/2010 whereby and whereunder the petitioner along with others trespassed into her house and beat her indiscriminately with hands etc.

7. In the charge sheet it is mentioned that LW-12 Dr.Sarangam, Civil Assistant Surgeon, MGM Hospital, Warangal, who is the doctor treated the first respondent has opined that she sustained simple injuries. Be that as it may, whether the injuries are simple in nature or not but the fact remains that the first respondent was beaten by the accused. As far as the petitioner is concerned, specific allegation is that at the instigation of petitioner, the other accused went to the house of the first respondent

and beat her. Therefore, this Court under section 482 Cr.P.C., cannot go into the aspect of whether the petitioner has instigated for the said incident or not. As such, this Court feels that there are no merits in this Criminal Petition and the same is accordingly dismissed.

8. As a sequel, the interim stay granted is vacated and miscellaneous petitions if any, pending in this criminal petition shall stands closed.



JUSTICE P. KESHAVA RAO.

11/12/2017
I s L

HONOURABLE SRI JUSTICE P. KESHAVA RAO

CRIMINAL PETITION NO. 1242 OF 2011
{ DISMISSED }



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