

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. 5822 OF 2011

Between:

Moinuddin ... Petitioner/A-3

V/s.

The State of Andhra Pradesh
Represented by Public Prosecutor
High Court of Judicature
for the State of Telangana & A.P.
Hyderabad & Anr. ... Respondents/Respondents



Counsel for Petitioner : Sri K. Goverdhan Reddy

Counsel for Respondents : Public Prosecutor [TG] for R-1

The court made the following : [order follows]

HONOURABLE SRI JUSTICE P. KESHAVA RAO

CRIMINAL PETITION NO. 5822 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-3 to quash the proceedings initiated against him vide FIR.No. 80 of 2011 of Macherla Town Police Station, for the offences punishable under sections 448, 323, 354 read with section 34 of IPC.

3. The facts of the case are that on 05/7/2011, the second respondent herein lodged a complaint with the Macherla Town Police Station stating that the petitioner along with other accused persons trespassed into their house and abused them in filthy language. All the accused dragged her on to the road, tore her saree, blouse and beat her with hands and legs. When they have raised alarm, neighbours came and after seeing the neighbours the accused ran away. Even the neighbours to some extent chased the accused persons. It is also stated that while

leaving all the accused have threatened that if the cases booked against them are not withdrawn, they will again attack the second respondent and his family members. In pursuance of the said complaint, Police have registered a crime in FIR.No. 80 of 2011 of Macherla Town Police Station for the offences punishable under sections 448, 323, 354 read with section 34 of IPC.

4. The counsel appearing for the petitioner would contend that the petitioner is falsely implicated and he being a Government employee was on duty on 05/01/2011 and therefore, no case is made out. However, a perusal of the contents of the complaint, would indicate that the said incident happened in the mid night at 12:00 hours and the offences charged are serious in nature, particularly offence under section 354 of IPC. That being the position and when the crime is at the investigation stage, whether the petitioner was really implicated in the commission of offence or not and whether he was physically present at the scene of offence or not cannot be decided in a petition filed under section 482 of Cr.P.C. Therefore, this Court feels that there is no prima facie case against the petitioner to quash the proceedings.

5. Accordingly, this Criminal Petition is dismissed. However, if the presence of the petitioner is required during the course of investigation, the concerned Police is directed to follow the procedure contemplated under section 41-A of Cr.P.C. as per law.

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



JUSTICE P. KESHAVA RAO.

HONOURABLE SRI JUSTICE P. KESHAVA RAO

CRIMINAL PETITION NO. 5822 OF 2011
{ DISMISSED }



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