

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2089 of 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure (for short, 'the Code'), is filed requesting to quash the proceedings against the petitioner/Accused No.2 in Crime No.22 of 2017 of Kadapa I Town Police Station, YSR Kadapa District.

The petitioner, who is arraigned as accused No.2 in the aforesaid crime, alleged to have committed the offences punishable under Sections 353, 323, 506 and 109 read with 34 IPC.

No doubt, in the present case, the offence under Section 353 IPC may not be attracted and the present case is still at investigation stage.

Learned counsel for the petitioner would submit that in the complaint lodged by the 2nd respondent/*de facto* complainant, there is nothing in the direction of the allegation as to the complicity of the petitioner in the commission of the offences alleged against him, except to the extent that Accused No.1 used the name of the petitioner and called him on his mobile in the presence of the *de facto* complainant at his chambers and spoke about the *de facto* complainant in vulgar language.

Learned Additional Public Prosecutor for the State of Andhra Pradesh would resist the request of the petitioner. He has drawn the

attention of this Court to certain portion contained in the remand report dated 04.02.2017.

The allegations contained in the said remand report as well as the allegations mentioned at two places in the complaint would, certainly, make this Court to opine that there are allegations sufficient to proceed with the investigation against the petitioner and it cannot be construed that there is inherent improbability as sought to be viewed by the learned counsel for the petitioner.

Accordingly, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in the Criminal Petition shall stand closed.

Date: 15.03.2017
v v

A.SHANKAR NARAYANA, J

