

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.530 OF 2017

ORDER:

The present petition is filed under Section 482 of Code of Criminal Procedure, 1973, to quash the proceedings in C.C. No.662 of 2015 on the file of the Additional Judicial Magistrate of First Class, Avanigadda, Krishna District.

The petitioners are arraigned as accused Nos.1 to 5 and alleged to have committed the offences punishable under Sections 447, 427, 506 and 323 read with 34 IPC in C.C. No.662 of 2015, which arises out of Cr.No.168 of 2015 of Avanigadda Police Station.

Heard Sri K. Hari Prasad, learned counsel for the petitioners, and learned Additional Public Prosecutor appearing for the State of Andhra Pradesh.

The arguments advanced by the learned counsel for the petitioners are to the effect that the petitioners have been falsely implicated, despite the fact that respondent No.2 has no semblance of right or title over the disputed property, which constitutes Ac.0-03 cents in R.S. No.299/2A, situate at Ward No.2, Avanigadda, and, in fact, a civil litigation in O.S. No.62 of 2015, on the file of the Principal Junior Civil Judge, Avanigadda was filed by one Kosuru Venkata Subrahmanyam; who is maternal uncle of the petitioners

herein, who, in fact, purchased that particular extent; against respondent No.2 and her husband, who filed their written statement; that when respondent No.2 and others attacked Kosuru Venkata Subrahmanyam and others including the petitioners and caused injuries, and in connection therewith, on a complaint by Kosuru Venkata Subrahmanyam, Crime No.169 of 2015 was registered against respondent No.2, her husband and others and after filing charge sheet it was numbered as C.C. No.663 of 2015 by the very same learned Magistrate and, therefore, requests to quash the proceedings, more particularly, when an interim order granted by a Civil Court has been pending and staring at respondent No.2 on the date of incident.

In fact, when the complaint averments as well as the material now placed on record would point out the overt acts of each of the petitioners, certainly, it is not a case, at this stage, to exercise the extraordinary power to quash the proceedings in a Calendar Case, more particularly, when there is a case pending in C.C. No.663 of 2015 on the complaint filed by Kosuru Venkata Subrahmanyam, in which, the petitioners are figuring as witnesses. Therefore, it is a matter concerned with the learned Judicial Magistrate of First Class in deciding which of the two complaints are true, or both are true, in which case, who are the aggressors. Such questions cannot be probed into in a petition under Section 482 of the Code.

Therefore, the Criminal Petition is dismissed. As a sequel thereto, Miscellaneous Petitions, if any, pending in the petition, stand disposed of.

A. SHANKAR NARAYANA, J

January 25, 2017.

Mgr

