

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2244 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings in C.C.No.436 of 2010 in Crime No.85 of 2010 on the file of the Judicial Magistrate of First Class, Shadnagar.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the 1st respondent. The counsel for the 2nd respondent did not appear in spite of notice.

3. The counsel for the petitioners submits that a complaint was filed by the petitioners herein and charge sheet was filed in the said crime and that this case is filed as a counter blast to the said complaint filed by the petitioners.

4. However, the merits of the case have to be gone into, to see whether it is a counter blast or whether there is any truth in the complaint filed by the second respondent herein. The dates of the incidents in the two complaints are different. Hence, unless the truth of the allegations made in the complaint is investigated, it cannot be said that it is filed as a counter blast.

5. With the above observations, the Criminal Petition is dismissed. Interim stay granted earlier, if any, shall stand vacated. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T. RAJANI, J

November 27, 2017
LMV