

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2561 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed requesting to quash the proceedings in C.C.No.699 of 2016 on the file of III Additional Chief Metropolitan Magistrate, Gajuwaka, Visakhapatnam.

2. Petitioner is arraigned as sole accused in the aforesaid Calendar Case. He alleged to have committed the offence punishable under Section 324 I.P.C.

3. Sri C. Raghu, learned counsel for the petitioner, pleaded innocence and false implication of the petitioner. Learned counsel has drawn the attention of this Court to the narration of the Investigating Officer in the charge sheet, which, of course, shows that when there was some sort of skirmish between the petitioner and respondent No.2- *de facto* complainant about the car parking issue in front of their respective houses, as they are located opposite each other, the wife of *de facto* complainant brought a vegetable cutting knife from the kitchen and the *de facto* complainant used the said knife and caused injury to the petitioner, who received bleeding injuries and fell unconscious, but, however, before that, it appears, the petitioner also attacked the *de facto* complainant and caused injuries, whereas wife of the *de facto* complainant, accidentally fell down on the road and sustained small injuries.

4. Learned counsel for the petitioner would submit that so far as the complaint filed by the petitioner is concerned, though, the First Information Report was lodged, charge sheet is not yet laid by the police concerned.

5. Be that as it may, when the charge sheet averments would show *prima facie* allegations in the direction of commission of the offence punishable under Section 324 I.P.C. and when the Medical Officer is cited as LW.11, it cannot be said that prosecution of the petitioner for the offence alleged would amount to abuse of the process of law. Whatever submissions have been made by the learned counsel for petitioner i.e., by way of private defence, the said injuries were caused to the *de facto* complainant, and others, can be confronted to LW.1, when he steps into the witness box, and so also LW.2.

6. Hence, the present Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

March 28, 2017.
MD

A. SHANKAR NARAYANA, J