

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.2633 of 2010

ORDER :

Heard learned counsel for the petitioner/ A2 of C.C.No.543 of 2009 on the file of the VIII Additional Chief Metropolitan Magistrate, City Criminal Courts, Hyderabad, where learned Magistrate has taken cognizance for the offence under Section 506 I.P.C. and learned Public Prosecutor for the State.

2. The notice sent to respondent Nos.2 and 3 to their addresses as per the charge sheet returned and service held sufficient vide docket order dated 03.08.2017 and perused the grounds urged in the quash petition and the contents of the F.I.R. and the charge sheet.

3. No doubt permission of the Magistrate is obtained after the private complaint referred to police for investigation, from that permission in registering the crime for the offence under Section 506 I.P.C. against accused.

4. The petitioner herein is no other than advocate of A1. It is the contention of the learned counsel for the petitioner rightly that it is hardly believable of advocate abused much less threatened to attract offence under Section 506 I.P.C. that too, in the Court's premises.

5. In fact, there is a force in the said contention of implicating the party along with his associates, who were there,

the advocate also shown in array as accused. If this sort of implicating the advocates for the animus development between the parties taken note of, it is difficult as rightly contended for the advocates to practice for nothing of involvement of the advocate is stated.

6. Having regard to the above also for the case pending since 2009, it is to prevent further abuse of process fit to quash against the petitioner apart from what the ingredients required to attract the offence under Section 506 I.P.C., there must be a threat with an injury to his person or reputation or property and same is also required to be associated with the intention to cause alarm to that person, particularly, to cause that person to do an act or omit to do, which is legally entitled to do, to avoid execution by said threat, which is lacking.

7. Having regard to the above, the Criminal Petition is allowed quashing the proceedings against the petitioner/ A2 in C.C.No.543 of 2009 on the file of the VIII Additional Chief Metropolitan Magistrate, City Criminal Courts, Hyderabad.

8. Miscellaneous petitions, pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:31-08-2017
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