

THE HON' BLE SRI JUSTICE P.KESHA RAO

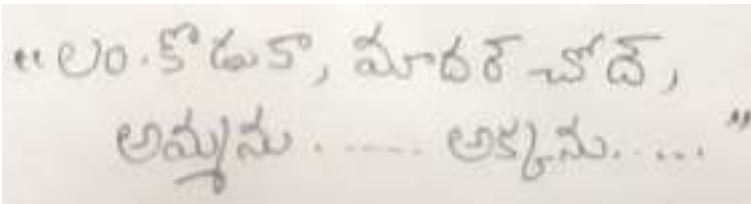
CRIMINAL PETITION No. 11254 of 2011

ORDER:

Heard the learned counsel for the petitioner and the learned counsel for the second respondent.

2. The petitioner, who is sole accused in Crime No.83 of 2009 of Basara Police Station, Adilabad, registered for the offences punishable under Section 353 of IPC and Section 7 of the Criminal Law Amendment Act, 1932 (for short, 'the Act'), filed the present criminal petition under Section 482 of Criminal Procedure Code, seeking to quash the proceedings initiated against him in the above said Crime.

3. The facts of the case are that the second respondent herein lodged a compliant against the petitioner on 22.09.2009 to the effect that on 21.09.2009 at about 08.45 p.m., while the second respondent was returning back, after completing the religious duties and while he was on duty, the petitioner pushed him from the back, thereby he fell on an old aged devotee, who in turn fell down due to the said impact. At that time, taking advantage of the situation, the NTV/ Vartha Telugu daily reporter namely K. Prathap abused the second respondent in filthy language and said that he would see as to how the de facto complainant would discharge his duties as Priest in the temple and also said



and he also slapped forcibly on the left cheek and obstructed the discharge of his official duties. When the said incident happened, Sri P. Satish Rao, Sri Vinay Deshpande and others were present. Therefore, the complainant lodged a complaint. Basing on the said complaint, the Sub-Inspector of Police, Basara Police Station, registered Crime No.83 of 2009, for the offences punishable under Section 353 of IPC and Section 7 of the Act. Aggrieved by the same, the present criminal petition came to be filed.

4. A perusal of the contents of the complaint would indicate that the petitioner herein not only pushed the second respondent, but also abused him in filthy language and threatened him as to how he would discharge his duties as a priest in the temple. The allegations made in the complaint would make out committing of a culpable offence and obstructed the second respondent when he was discharging his official duties at the time of incident. Further, abusing the second respondent, apart from slapping him on the face by the petitioner is also not denied. The said aspects of manhandling the second respondent by the petitioner cannot be decided in the present petition. Per contra, the petitioner in the criminal petition has stated that he was formerly working as press reporter with Vartha and as part of his job he exposed several illegalities committed by the second respondent and other staff in Basara Saraswathi Temple which resulted in second respondent taking vengeance against him. In fact, on 21.09.2009 at 9 p.m. the temple was with full of devotees since it was the eve of Dasara. The second respondent denied service to an old lady and on being questioned he had thrown down the old lady casting aspersions on her which resulted in other devotees caught hold of the second

respondent and made a report to the second respondent-police. However, the second respondent foisted a false case against the petitioner stating that the petitioner has pushed him from the back apart from other aspects. That apart, learned counsel for the petitioner also submitted that the investigation may be directed to be completed, without arresting the petitioner.

5. Therefore, I am of the view that Crime No.83 of 2009 registered for the offences punishable under Section 353 of IPC and Section 7 of the Act cannot be quashed in the present criminal petition. However, the first respondent is directed to complete the investigation within a period of three (03) months from the date of receipt of a copy of the order and file charge sheet. However, during the course of investigation, if the presence of the petitioner is required, the first respondent may follow the procedure under Section 41-A of Cr.P.C., as per law.

6. With the above direction, the criminal petition is disposed of.

7. Miscellaneous Petitions, if any pending, shall stand closed.

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JUSTICE P. KESHA RAO

10.10.2017.

vhb