

THE HON'BLE SRI JUSTICE N.BALAYOGI

CRIMINAL PETITION No. 5084 OF 2011

ORDER :

This is a petition filed under Section 482 of Cr.P.C. seeking to quash the proceedings in C.C.No. 505 of 2010 on the file of the Court of IV Additional Munsif Magistrate, Warangal.

Learned counsel for the petitioners-accused Nos. 1, 3 and 4 contended that for the same incident dated 09-08-2010, the petitioners were already convicted in S.T.C.No. 423 of 2010 and paid fine amount. Therefore, for the same offence, the petitioners cannot be prosecuted. On the other hand, it is contended that there is a specific allegation in the charge sheet that the conduct of the police in registering the S.T.C. shows partiality in investigation by registering a petty case and that the police threatened the complainants to dispossess from the agricultural land and directed the petitioners to enter into the disputed agricultural land which is in peaceful possession and enjoyment of the complainants and further threatened the complainants that they will be killed by S.I. and A.S.I. by encounter in the event of approaching the higher authorities which shows the attitude of the petitioners.

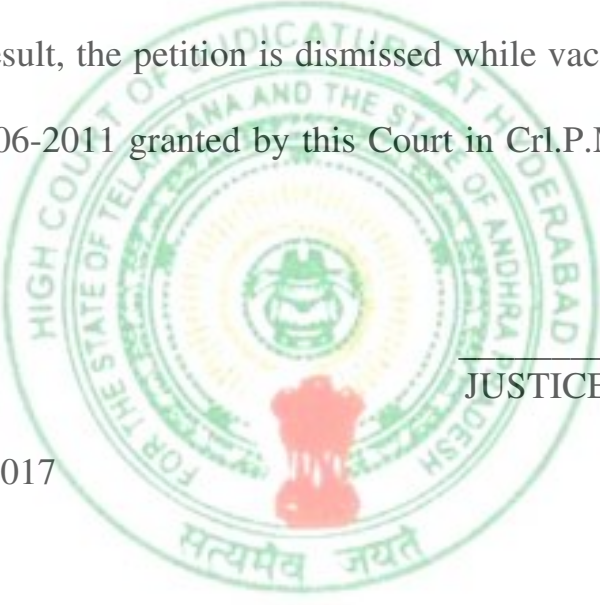
A perusal of the record goes to suggest that respondent No. 2 is husband of respondent No. 3. The brother of respondent No. 3 and accused Nos. 3 and 4 are sons of accused No. 1. There is a land dispute between accused No. 1 and respondent No. 2 which is the subject matter in O.S.No. 580 of 2007 on the file of the Court of Principal Junior Civil Judge, Warangal, and C.M.A.No. 32 of 2008 on

the file of the Court of II Additional District Judge at Warangal. While so, on 09-08-2010, the petitioners along with others came to the house of respondent Nos. 2 and 3 with iron rods, beat them and tried to commit murder, as result of which they sustained injuries. Immediately, the injured approached the Station House Officer, Madikonda Police Station, by mentioning all the names of the accused but the A.S.I., Madikonda P.S. directed them to give a complaint as per his directions. According to the instructions of the A.S.I., the names of four accused were not mentioned as they already approached the S.I. immediately after the incident and managed the S.I. and A.S.I. It is further alleged that the S.I. and A.S.I. in collusion with the accused have not considered the medical certificates and registered a case in crime No. 112 of 2010 for the offence under Section 324 read with Section 34 I.P.C. by putting all false allegations. The S.I. and A.S.I. misled the complainants and gave wrong information that they registered crime No. 111 of 2010 but after thorough inquiry, it was found that there was no such crime. It is further alleged that the police registered a petty case against accused Nos. 1 to 3 by deleting the names of accused Nos. 4 to 7 in S.T.C.No. 423 of 2010 and they were released by paying fine amount of Rs.500/- on 23-08-2010 whereas respondent Nos. 2 and 3 were arrested on false medical certificates at the instigation of S.I. and A.S.I. of Madikonda Police Station. The investigating officer further alleged in the charge sheet that the above circumstances by itself show the partial investigation with intention to

escape the original culprits by registering a petty case for the satisfaction of respondent Nos. 2 and 3.

The above facts as mentioned by the investigating officer in the charge sheet clearly go to suggest that they hurriedly registered S.T.C. and got imposed fine and that is the reason why respondent Nos. 2 and 3 forced to file a private complaint. There is nothing to show abuse of process of law. I do not find any ground to quash the proceedings in C.C.No. 505 of 2010 on the file of the Court of IV Additional Munsif Magistrate, Warangal.

In the result, the petition is dismissed while vacating the *interim* stay dated 27-06-2011 granted by this Court in CrI.P.M.P.No. 5142 of 2011.



JUSTICE N.BALAYOGI

26th October, 2017
JSK