

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2317 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') requesting to quash the proceedings in Calendar Case No.511 of 2016 on the file of the XVI Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.

2. The petitioners are arraigned as accused Nos.1 to 5 and 7 to 11 respectively. They alleged to have committed the offences punishable under Sections 448, 427 and 506 read with 34 IPC.

3. Heard Sri C.D.S.B. Venkata Rao, learned counsel for the petitioners and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel for the petitioners would submit that respondent No.2 - *de facto* complainant, in view of civil dispute pending in respect of the very same subject land, falsely implicated the petitioners and, in fact, the petitioner Nos.1 to 6 are women and some of the petitioners are non-locals and they were not at all present on the alleged dates in town and, in fact, the petitioner Nos.1, 5 and 6 are the owners of the subject property and, therefore, to quash the proceedings as prosecution of the petitioners in the aforesaid Calendar Case would amount to the abuse of process of law.

5. The learned Additional Public Prosecutor would strongly resist the request stating that the complaint as well as the statements recorded under Section 161 of the Code would clearly make out a *prima facie* case against the petitioners to proceed with trial.

6. Perused the complaint and the material placed on record.

7. It is no doubt true, a copy of amended plaint in O.S. No.752 of 2015, on the file of VIII Junior Civil Judge, City Civil Court, Hyderabad, is also finding place in the material papers, but, that would not be a circumstance to view that the present complaint is a false one. In fact, when a petition of this nature is filed during crime stage, this Court while holding that it is not a case to quash the proceedings, however, cannot direct the Investigating Officer not to arrest the accused persons during the course of investigation.

8. Now, turning to the facts herein, there appears to be is a dispute between the petitioners and respondent No.2 - *de facto* complainant and the same is of civil nature. The complainant alleges that he succeeded even in Civil Court and thereby the petitioners got aggrieved, and that has been the reason why they started threatening him with dire-consequences and dispossess him and bent upon to do so. Therefore, it cannot be said that there are no allegations *prima facie* to view the complicity of the petitioners in the commission of the offences alleged against them. However, keeping in view, that the

petitioners Nos.1 to 6 are women i.e., accused Nos.1 to 5 and 7 viz., Ms. Siddique Begum, Ms. Nusrath Jihar, Ms. Syed Salma Banu, Ms. Syeda Zainab Banu, Ms.Tasneem Sultana @ Mymona Begum and Ms. Kulsum Banu, respectively, their appearance is exempted during trial except on the dates when they are to be examined under Sections 239 and 313 of the Code.

The Criminal Petition is, accordingly, disposed of. As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand closed.

A. SHANKAR NARAYANA, J

April 21, 2017.
Mgr

