

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.352 OF 2017

ORDER:

Heard Sri P.B.Vijaya Kumar, learned counsel for the petitioner and the learned Additional Public Prosecutor for the State of Telangana.

Precisely the submission of the learned counsel for the petitioner is that a false complaint is laid against the petitioner herein due to political rivalry by the second respondent – *de facto* complainant. Learned counsel also would submit that against the second respondent, the petitioner filed a complaint, which is pending in C.C.No.459 of 2013 on the file of the Judicial Magistrate of First Class, at Mulugu.

As per the arguments advanced by the learned counsel for the petitioner, both the complaints relate to one and the same incident. The question as to whether which party is aggressor can only be decided during trial but not at a stage earlier thereto, more particularly, in a petition under Section 482 of Criminal Procedure Code.

In that view of the matter, the present criminal petition, which is sought to quash the proceedings in C.C.No.439 of 2013 on the file of I Additional Judicial Magistrate of First Class, Mulugu, is dismissed. Miscellaneous applications, if any pending in this criminal petition, stand closed.

January 20, 2017.
Rns

A. SHANKAR NARAYANA, J