

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL PETITION No.9583 of 2011

Order:

Heard the counsel for the petitioner as well as the 2nd respondent and the learned Public Prosecutor.

The petitioners, who are accused Nos.1 to 3 in F.I.R.No.890 of 2011, filed this petition to quash the proceedings initiated against them for the offence under Sections 324 and 354 IPC on the file of Police Station, Banjara Hills, Hyderabad.

The facts of the case are that the 2nd respondent herein filed a complaint on 26.09.2011 before the Police Station, Banjara Hills, Hyderabad, against the petitioners stating that she is a resident of Plot No.13, Road No.5, Bhanjara Hills, Hyderabad and at about 0700 hrs when she went to the main gate to pickup the newspaper, the 2nd petitioner came out of her house, thrown mirchi powder at her and started beating her with legs and hands. She kicked in the stomach of the 2nd respondent, pulled her hair and whole family came out and started beating the 2nd respondent. When the 2nd respondent's male servant came out after hearing the shouting, they also threw mirchi powder on the face of her servant. When her daughter heard the shouts and came out, petitioner Nos.1 and 2 and their son and niece got sticks and beat them, dragged them by hair into their quarter and beat them black and blue. It is also stated that the petitioners

beat the daughter of the 2nd respondent with hands and legs on her stomach and chest. Therefore, she lodged a complaint requesting to take appropriate action. On the said complaint, the concerned police have registered a crime vide F.I.R.No.890 of 2011 for the offences under Sections 324 and 354 IPC. Assailing the said registration of crime, the present criminal petition is filed by the petitioners.

Basically, the counsel for the petitioners contended that there are severe disputes between the parties and there are cases and counter cases registered against each of them resulting in filing of criminal petitions and writ petitions in this Court. He also submitted that the present complaint is a counter blast to the complaint lodged by the petitioners. He also submitted that the allegations made in the present complaint are totally false and baseless, as they were not involved in such offence.

However, perusal of the contents of the complaint would prima facie amounts to commission of an offence and specific allegations are made attributing to each of the petitioners. When the offence relates to outraging the modesty of a woman, with specific overt acts attributed to each of the accused, and when the crime is at the investigation stage, this Court feels that it is not a fit case where the proceedings can be quashed by exercising jurisdiction under Section 482 Cr.P.C. Therefore, there are no merits in the criminal petition and the same is liable to be dismissed.

Accordingly, the criminal petition is dismissed. However, the investigating officer is directed to complete the investigation within a period of three months from the date of receipt of a copy of this order and file charge sheet. It is made clear that if the presence of the petitioners is required during the investigation of the crime, the investigating officer may invoke the provisions of Section 41(a) Cr.P.C. as per law. Interim order, if any, stands vacated.

Miscellaneous petitions, if any, shall stand closed.

JUSTICE P. KESHAVA RAO

Date: 27.10.2017.
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