

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2904 of 2011

ORDER:

This petition is filed seeking for quashment of the proceedings against the petitioner, who is the accused in PRC No.30 of 2010 on the file of the I Additional Chief Metropolitan Magistrate, Visakhapatnam City.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the 1st respondent. None appears for the 2nd respondent in spite of notice.

3. A perusal of the complaint shows that there are clear allegations against the petitioner, attracting the alleged offences.

4. The effort of the petitioner's counsel to project the minor inconsistency in the complaint as a contradiction, may not succeed, when the complaint is considered only as the first information to put the prosecution into motion and that it is not an encyclopaedia. The counsel draws the attention of this court to the contents of the complaint, wherein in the first part of the complaint, the complainant says that the offence occurred inside the house and in the latter part of the complaint, she says that her sister-in-law came and took her inside the house. It is this inconsistency, which the petitioner's counsel wants to take, as a basis to seek for quash.

5. But in the considered opinion of this Court, the said minor inconsistency, cannot be a basis for quash when the complete

pleading of the complaint would *prima facie* suggest that the offences took place. In the light of the above, this court is of the considered opinion that this is not a fit case for quash.

6. With the above observations, the Criminal Petition is dismissed. Interim stay, granted by this court in CrI.P.M.P.No.3048 of 2011, dated 01.04.2011, shall stand vacated.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

December 14, 2017
LMV



T. RAJANI, J