

SMT.JUSTICE T.RAJANI

CRIMINAL PETITION No.5043 OF 2011

ORDER:

This petition is filed seeking for quashing of proceedings against the petitioner, who is accused No.3 in C.C.No.375 of 2011 on the file of III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

2. Heard the counsel for the petitioner and the public prosecutor, who takes notice on behalf of 2nd respondent. None appears for the 1st respondent, in spite of notice.

3. The grievance of the complainant is that several defamatory allegations were made against him in an official correspondence made between accused No.1, to his superior accused No.3, vide letter No.DB/D4/Lifts-B'Hills flats/08/1862. The petitioner herein, as already stated, is A3, who received the said letter. Hence, at any stretch of understanding, he cannot be said to be a person who tried to defame by making any remarks on the complainant. In fact, the letter was addressed with regard to renovation of lift in Block Nos.4 and 6 of IAS/IPS flats at Road No.10, Banjara Hills, Hyderabad and while the work was taken up, a room in the official quarters of respondent No.1 had to be dismantled for the purpose of accommodating the lift.

4. The said correspondence is to the effect that respondent No.1 is not allowing dismantling of the room of the additional existing room linked to his flat, for the purpose of erection of lift. The letter written by A1 is only to bring to the notice of A3 that such obstruction was being caused by the respondent No.1 and to seek further instructions. It cannot be said that it was intended to defame the respondent. Hence, this Court opines that the complaint against this petitioner is absolutely vexatious and frivolous and continuation of any further proceedings would only result in abuse of process of law.

5. Accordingly and with the above observation, this criminal petition is allowed and the further proceedings against the petitioner herein in C.C.No.375 of 2011 on the file of III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, are quashed.

6. Miscellaneous petitions pending consideration, if any, in this criminal petition shall stand closed in consequence.

05.12.2017
SS

T.RAJANI, J