

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2341 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to quash the proceedings in C.C.No.420 of 2016 on the file of Special Judicial Magistrate of First Class (mobile cases), Nellore, SPSR Nellore District.

2. The petitioners are arraigned as accused Nos.1 and 2 in the aforesaid Calendar Case and alleged to have committed the offences punishable under Sections 477A, 481, 420, 403, 406, 409, 506 and 120B read with 34 I.P.C.

3. Ms. Kanaka Malli, learned counsel appearing on behalf of Sri G. Venkateswarlu, learned counsel for the petitioners, would plead innocence and false implication of the petitioners. It is her submission that the present complaint is filed as a counter blast to the complaint filed by petitioner No.1 on 25.10.2013, registered against respondent No.2 – *de facto* complainant and others for the offences punishable under Section 323 I.P.C. and Section 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act,1989. It is her further submission that the allegations mentioned in the complaint either in the charge sheet or in the statements of witnesses do not make out any case showing complicity of the petitioners in the

commission of the offences alleged against them and, therefore, requests to quash the proceedings in the said Calendar Case.

4. In fact, though, charge sheet is filed, statements of the witnesses recorded under Section 161 of the Code are not filed, but a copy of the plaint in O.S.No.414 of 2013 and a copy of the order, dated 18.11.2013, in I.A.No.705 of 2013 in the said O.S. on the file of Principal Junior Civil Judge, Nellore, are filed. Even a cursory glance at the complaint averments would, certainly, make one to opine that there are *prima facie* allegations substantiating the offences alleged against the petitioners. The defence now agitated by the learned counsel for petitioners can be suggested to the witnesses when they step into the witness box, but merely on the ground that a complaint was already lodged by petitioner No.1 against respondent No.2, continuation of proceedings or conducting trial in the present Calendar Case cannot be viewed as abuse of the process of law.

5. Accordingly, the present Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

March 21, 2017.
MD