

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.850 OF 2017

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure, 1973. Petitioners in their petition projected the offences punishable under Sections 323, 324, 341 r/w.34 of the Indian Penal Code, 1860 said to have committed by them upon the complaint of *defacto complainant*, who is the 2nd respondent herein. Crime No.4 of 2017 of Chirala Rural Police Station, Chirala, Prakasam District was registered therefor and it is now sought to be quashed.

Heard Sri Naga Praveen Vankayalapati, learned counsel for the petitioners and learned Additional Public Prosecutor.

Learned counsel for the petitioners made two submissions, that the present crime is registered at the instance of the 2nd respondent/defacto complainant as a counter blast to the crime registered against him on the complaint of the petitioners herein, in Crime No.3 of 2017 and pleads false implication of the petitioners and therefore, requests to quash the F.I.R.

Learned Additional Public Prosecutor would resist it by drawing the attention of this Court to the complaint and submits that the statement of the *defacto complainant* was reduced into writing at the hospital upon Medico Legal intimation with the consent of the concerned duty doctor.

During the course of arguments, learned counsel for the petitioners would also submit that Section 3 (1) (r) (s) of Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was also added, but the same is not mentioned in the complaint.

Perused the material on record placed. The material on record would show that both the crimes are registered as 3 of 2017 and 4 of 2017 on the complaints of first petitioner and 2nd respondent respectively. Certainly, it is not a case where the FIR can be quashed by holding that it is nothing but abuse of process of law. Therefore, the petition is dismissed. It is needless to mention in case Section 41-A Cr.P.C., is applicable, the investigating officer will follow the procedure laid down therein.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

3rd February, 2017
Rds

A. SHANKAR NARAYANA, J



HON’BLE SRI JUSTICE A.SHANKAR NARAYANA



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TYPED & SENT	07.02.2017	Rds
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RETYPE		

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