

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.8599 of 2017

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioners/accused seek for quashment of proceedings pending against them in Crime No.47 of 2017 of Rajapur Police Station, Mahabubnagar District, which was registered for the offences punishable under Sections 354, 324 and 504 r/w 34 IPC.

In this case, investigation is reported to be pending.

Seeking for quashment, learned counsel for petitioners would submit that there were civil disputes pending between both the parties, inasmuch as, A1's mother filed O.S.No.41 of 2015 on the file of Junior Civil Judge, Jadcherla against the defacto complainant and her husband and obtained a perpetual injunction decree on 29th April, 2016 and aggrieved by the same, a false complaint is lodged against the accused as if they attacked the complainant and her husband and also molested her.

Learned Additional Public Prosecutor would submit that the defacto complainant mentioned about the land disputes and she has not concealed any fact and that has nothing to do with the atrocious act committed by the accused and investigation is pending and therefore, the petition may be dismissed.

Having regard to the prima facie accusation found in the complaint and investigation is pending, it is not a fit case to quash the proceedings at this stage. Therefore, the investigation shall go on. However, having regard to the fact that the accused family has obtained the decree in civil suit which is not disputed and veracity of complaint allegations needs scrutiny, in that backdrop, while conducting investigation the police shall not arrest the accused. The accused are directed to cooperate with the Investigating Agency for smooth completion of investigation.

This Criminal Petition is disposed of accordingly.

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

Date: 19.09.2017
Dvs

U.DURGA PRASAD RAO, J

