

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.942 of 2017

ORDER:

This criminal petition is filed by the petitioner/A-7, under Section 482 of Cr.P.C., seeking to quash the proceedings in C.C.No.381 of 2016, on the file of the learned III Additional Munsif Magistrate, Ongole.

2. Learned Public Prosecutor takes notice on behalf of the 1st respondent. Heard learned counsel for the petitioner and learned Public Prosecutor and with their consent, the criminal petition is disposed of at the admission stage. Perused the record.

3. The learned counsel for the petitioner contends that this case is filed as a counterblast to the earlier complaint filed by the petitioner and that the earlier complaint is also filed in the same Police Station and the offences alleged are also the same. Simply because there is parity in the allegations and the offences, it cannot be straight away concluded that the allegations made in this complaint are false. The contention that in the counter filed in I.A.No.301 of 2017, the VRO mentioned that a document is forged by the *de facto* complainant therein, cannot also to be considered because it is only an averment made in a pleading and it does not prove a fact conclusively. Hence, merely because there are earlier disputes between the parties, the inherent powers of the Court need not be invoked, as the law is well settled that the powers under Section 482 Cr.P.C. have to be used sparingly under only special circumstances like when on the face value of the complaint, no offence is made out, etc.

4. Hence, in view of the above, the Criminal Petition is disposed of with a direction to the petitioner/A-7 to file a discharge petition before the Court below with all the pleas taken in this petition.

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

JUSTICE T. RAJANI

Date: 12th October, 2017

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