

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.576 of 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure, is filed by the petitioner/Accused requesting to quash the proceedings in Crime No.573 of 2016 of Patancheru Police Station, Sanga Reddy District.

The petitioner is alleged to have committed the offences punishable under Sections 354 and 504 of IPC.

Learned counsel for the petitioner would submit that with a motive to cause harassment to the petitioner, respondent No.2 gave the present complaint and it is utterly a false case. He further submits that the actual happenings on the date of alleged incident were recorded and the Compact Disk is also available, which would reveal that no incident as alleged by the defacto complainant had, in fact, taken place. Learned counsel would further submit that the petitioner earlier made a complaint alleging the offences punishable under Sections 384, 504 and 323 read with 34 of IPC against respondent No.2 and others and the same was registered as Crime No.572 of 2016. It is also his submission that the petitioner also gave complaints, which are registered as Crime Nos.205 of 2016 and 539 of 2016, against respondent No.2, and only to avenge, the present complaint is

filed against the petitioner with false allegations and, therefore, prays to quash the proceedings in the present crime.

The question whether the incident as narrated in the present complaint did take place or otherwise, has to be examined by the Investigating Officer. What is available at this stage is the complaint in the present case, the F.I.Rs issued on the complaints made by the petitioner and the Compact Disk, but it is not for this Court to examine at this stage whether the investigation is being properly conducted by the concerned police. It is for the Investigating Officer to examine also the material that would be produced by the petitioner and arrive at just opinion as to the truth or otherwise of the incident referred to in the present crime and, therefore, it is not a case to quash the proceedings in the present crime at this stage in view of the allegations, levelled in the present complaint, *prima facie* making out commission of non-cognizable offence.

Accordingly, the Criminal Petition is dismissed at the stage of admission itself.

Miscellaneous Petitions, if any, pending in this petition, shall stand closed.

A. SHANKAR NARAYANA, J

January 27, 2017.

v v