

THE HON' BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.788 of 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C), is filed by the petitioners requesting to quash the proceedings against them in C.C.No.24 of 2015 on the file of the Judicial Magistrate of First Class, Vemulawada.

The petitioners, who are arraigned as Accused Nos.1 to 3, alleged to have committed the offences punishable under Sections 448 and 506 read with 34 IPC.

Heard Sri L.Preetham Reddy assisting Sri L.Prabhakar Reddy, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana on behalf of respondent No.1.

Learned counsel for the petitioners, while pleading innocence and false implication of the petitioners, would submit that, in fact, the petitioners earlier lodged a complaint against respondent No.2 – defacto complainant complaining the incident that took place on the very same date of the incident that took place in the present Calender Case and, to retaliate the same, respondent No.2 filed a false complaint and got registered the First Information Report relating to the present Calender Case. Learned counsel has also referred to other earlier cases filed by the defacto complainant and her close relative in C.C.No.172 of 2012 and Sessions Case No.80 of 2012, which ended in acquittal and, therefore, it is his submission that the defacto complainant is in the habit of filing false cases and requests to quash the proceedings in the present Calender Case.

Now the question is whether the request of the petitioners to quash the proceedings in the present Calender Case can be acceded to?

It is not in dispute that to the present Calender Case, there is a counter case with respect to which Charge Sheet No.373 of 2015 was filed before the Judicial Magistrate of First Class at Vemulawada. In such an event, certainly, the learned Magistrate has to analyse the evidence that would be let in by the parties in both the cases in order to ascertain which of them is true or which accused are aggressors. Therefore, the request of the petitioners to quash the proceedings in the present Calender Case cannot be acceded to at this stage.

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

Miscellaneous applications, if any pending in the present petition, stand closed.

02.02.2017
v v

JUSTICE A.SHANKAR NARAYANA

