

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.16915 OF 2016

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner - accused viz., Varma GVVK requesting to quash the proceedings against him in C.C. No.73 of 2016 on the file of IV Metropolitan Magistrate, Bheemunipatnam, Visakhapatnam City, arising out of Crime No.94 of 2015 of Padmanabham Police Station, Visakhapatnam City, Andhra Pradesh, for the offence punishable under Section 324 of the Indian Penal Code, 1860 (IPC).

2. The petitioner alleged to have committed the offence punishable under Section 324 of IPC.

3. Heard Sri Venkateshwar Varanasi, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Andhra Pradesh - respondent No.1.

4. The learned counsel for the petitioner has drawn attention of this Court to the contents of the charge sheet. In fact, the charge sheet averments, at this stage, *prima facie* would show that there was an altercation between the petitioner and LW.2 and during the altercation, when the petitioner alleged to have attempted to beat him with iron rod, the blow landed on LW.1 viz., Bangaru Babu Gandhavarapu, who is respondent No.2 herein being the *de facto*

complainant and sustained injury to his right hand and chest. It is alleged that even one more witness LW.3 viz., Kothapalli Suri also sustained injuries in the said incident.

5. Thus, the *prima facie* material is specific attracting the offence punishable under Section 324 of IPC and no ground is made out by the petitioner to show that false case is lodged and he is falsely implicated. Hence, it is not a fit case to quash the proceedings as sought by the petitioner.

6. Therefore, the Criminal Petition is dismissed at the admission stage itself.

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

January 17, 2017.
PV

A. SHANKAR NARAYANA, J