

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.10035 of 2017

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., by the petitioner/accused seeking to quash the proceedings in C.C.No.183 of 2015 on the file of V Special Magistrate, L.B.Nagar, Hastinapuram, Ranga Reddy District, for the offence punishable under Section 506 IPC.

2. In the affidavit filed in support of the petition, it is stated that the allegations made in the charge sheet do not disclose any offence, much less the offence punishable under Section 506 IPC. Even if the allegations made in the charge sheet on its face value taken to be true, there was no phone call as alleged on 14.06.2013, but it was on 24.10.2013, as mentioned in the last para of page No.2 of the charge sheet.

3. Smt. T.V.Sridevi, learned counsel for the petitioner contended that when the alleged threat was by way of telephone call, it would not attract the offence punishable under Section 506 IPC, in the absence of any threat to life, and, thereby the allegations in the charge sheet would not constitute any offence. In support of her contention, she placed reliance on the judgment of **Makam H.A. v. State of Haryana and another¹** and **Smt. Savitri v. Anju²**

4. Learned Additional Public Prosecutor for the State of Telangana contended that the dispute with regard to the date of

¹ Criminal Misc.M.No.598 of 2011

² Criminal Case No.351/1

telephone call is a question of fact, which has to be decided at the time of trial and at this stage, this Court cannot quash the proceedings. That part, the Calendar Case is of the year 2013 and this matter was dragged on for four years and having failed in all attempts, the petitioner filed the present petition to quash the proceedings and prayed to dismiss the petition.

5. As seen from the allegations made in the charge sheet, it is clear that on 12.06.2013 during mid night at about 1:00 PM., to 6:00 PM., 'Christian Rajakeeya Chaitanya Sadassu' meeting was organized at Ravindra Bharathi. In the said meeting, around 2000 members were attended from Christian community and various political party members including Sri Peddi Reddy (TDP), Akula Rajender (Cong-I), Ijak (YSRCP) and passed a resolution against the family members of Late Sri Y.S.Rajasekhar Reddy, Former C.M., A.P. It is further stated that after passing resolution, Sri Kondal Rao and Keeriti P.A. to Brother Anil Kumar, threatened the complainant by cell No.9848146777 on 14.06.2013 at about 1:00 PM. It is stated that on verification of CDR details, it disclosed that the petitioner made calls to the complainant on 24.10.2013 at 21:30 hours. On receipt of the telephone call, the complainant placed a call to the respondent, but did not respond. The investigation discloses that the involvement of Keeriti is not established, therefore, filed charge sheet against the petitioner alone.

6. Undoubtedly, there is a discrepancy with regard to the telephone call and it is not known whether it was on 14.06.2013 or 24.10.2013. However, it is for the prosecution to establish that the

petitioner was criminally intimidated on a particular day as alleged by the complainant, and in the event failure to establish the same, the petitioner is entitled to acquittal. When the allegations made in the charge sheet would *prima facie* disclose commission of offence, this Court cannot reappraise the allegations and decide the application filed under Section 482 Cr.P.C. In view of the limited jurisdiction that conferred on this Court, the discrepancies pointed out by learned counsel for the petitioner, cannot be appreciated at this stage, since it is a question of fact to be decided during trial only after recoding evidence. Even according to the complaint on 14.06.2013, the petitioner allegedly made a telephone call threatening the petitioner with dire consequences and such threat would not fall within the definition of criminal intimidation under Section 503 IPC, which is punishable under Section 506 IPC. In the judgments relied on by learned counsel for the petitioner, it is held that telephone call from the person hardly be in any position to advance any effective threat at such a far off place. Therefore, it would fall within the definition of criminal intimidation under Section 503 Cr.P.C. Similar view was expressed in **Municipal Corporation of Delhi Vs. Ram Kishan Rohtagi & others**³. Thus, from the law declared by both the Courts, it is clear that if there is affective threat by telephone call, it would fall within the definition of Section 503 IPC and whether there is effective threat or not is a question of fact to be decided during trial. Similarly, the prosecution has to establish the requirements under Section 503 IPC to such offence, and it is a question to be decided during trial. Therefore, I am unable to

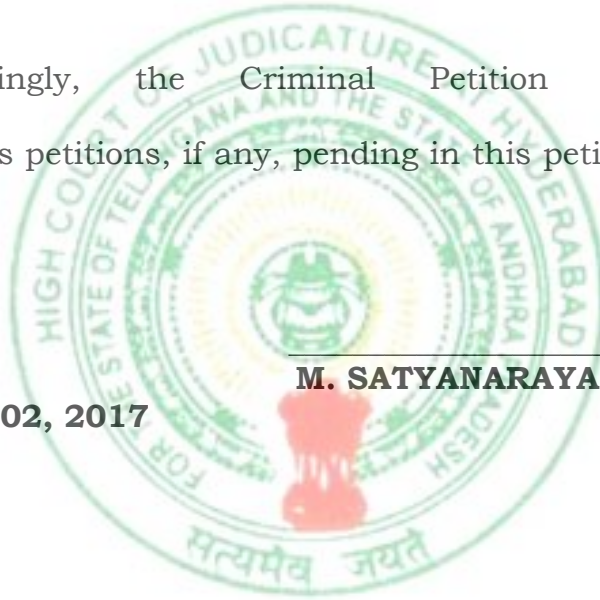
³ AIR 1983 SC 67

accept the contention of learned counsel for the petitioner at this stage to quash the proceedings i.e., four years after filing of charge sheet. It is also brought to the notice of this Court that the petitioner filed a petition to discharge him from the said office, which ended in dismissal. Against the said order, revision filed and the same was dismissed and dragged the matter sufficiently for more than four years and that to the Calendar Case is of the year 2015. Hence, I find no ground to exercise inherent powers in such situation to quash the proceedings in the aforesaid Calendar Case and accordingly, the criminal petition is liable to be dismissed.

7. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this petition shall stand closed.

NOVEMBER 02, 2017
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M. SATYANARAYANA MURTHY, J



THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Date: 02.11.2017

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