

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL REVISION CASE No.2718 of 2017

JUDGMENT:

The present Criminal Revision Case is preferred challenging the order dated 12.07.2017 in CrI.M.P.No.3050 of 2011 in Crime No.64 of 2011 on the file of the Judicial First Class Magistrate, Razole, whereby and wheunder, the learned Magistrate refused to issue process in the protest complaint laid under Section 204 of the Criminal Procedure Code (for short, 'the Code') concerning the offences punishable under Sections 452, 379 and 506 read with 34 of IPC against as many as nine persons showing them as accused persons.

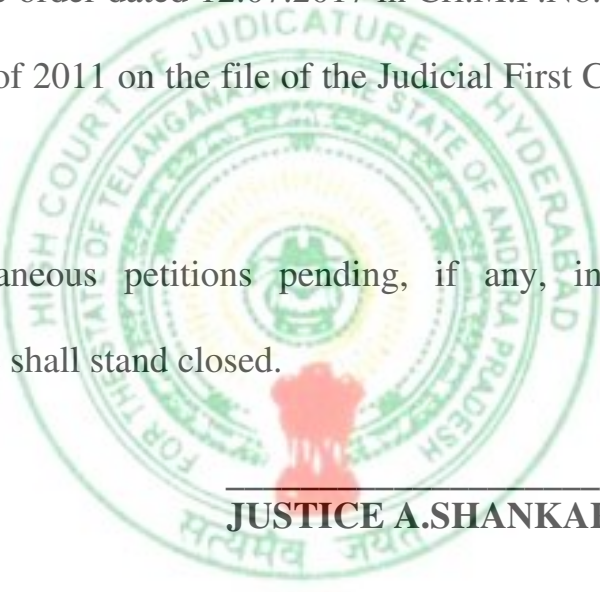
Heard Sri Ponnada Sreevyas, learned counsel, for Sri Rambabu Koppineedi, learned counsel for the petitioner.

A perusal of the order, which is challenged herein, *ex facie*, shows that the petitioner – complainant is, in fact, resorting to the abuse of process of court. The order would explicitly show that when the police filed final result requesting the court to close the complaint on the ground that the dispute is of civil nature, a notice was also issued to the complainant as per the procedure, but, the complainant did not raise any protest at all and, thereafter, came up with the present petition by filing it on 29.08.2011. In fact, by then, as there was no answer or response from the complainant, the court passed orders agreeing with the Investigating Officer that the dispute is of

civil nature, perhaps, by application of mind, though, it is not agitated in the protest petition. It is not in dispute that there have been civil disputes between the parties. When civil disputes already exist between the parties, the offences of the nature punishable under Sections 452, 379 and 506 read with 34 IPC being alleged, are doubted. There is absolutely no legal infirmity in the order under challenge and, as such, no interference is warranted.

Therefore, the present Civil Revision Case is dismissed, confirming the order dated 12.07.2017 in Crl.M.P.No.3050 of 2011 in Crime No.64 of 2011 on the file of the Judicial First Class Magistrate, Razole.

Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.



JUSTICE A.SHANKAR NARAYANA

31.10.2017

v v