

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.10197 of 2017

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., by the petitioners/A.1 and A.2 to quash the proceedings in C.C.No.950 of 2017 on the file of XXIII Metropolitan Magistrate, Rajendranagar, Cyberabad, registered for the offence punishable under Section 506 IPC.

2. Petitioner No.1 is husband and petitioner No.2 is brother-in-law of the 2nd respondent-*de facto* complainant. Prior to the present complaint, the *de facto* complainant lodged dowry harassment case against the petitioners and others, which was registered as C.C.No.973 of 2015 on the file of XXV Metropolitan Magistrate, Cyberabad, Miyapur, and the same is pending. On 13.06.2017 when the *de facto* complainant and her son attended the Court at Miyapur in connection with the aforesaid Calendar Case, the petitioners along with other family members came and threatened her to give custody of her son. When the complainant refused for the same, they threatened to kill her. Basing on the above allegations, Crime No.636 of 2017 of Miyapur Police Station, Cyberabad, was registered against the petitioners and others for the offence punishable under Section 506 IPC. The police after completion of investigation, filed charge sheet, which is registered as C.C.No.950 of 2017 on the file of XXIII Metropolitan Magistrate, Rajender Nagar, Cyberabad.

3. Learned counsel for the petitioners/A.1 and A.2 submits that on the date of incident, only the accused in C.C.No.973 of 2015

and L.W.2 were present and due to non-availability of APPO, the case was posted to 22.06.2017. In proof of the same, he also filed a copy of docket order, dated 13.06.2017 in C.C.No.973 of 2015, and contended that the 2nd respondent-complainant has not attended the Court on the date of alleged incident; therefore, the question of criminal intimidation as defined under Section 503 IPC does not arise and prays to quash the proceedings against the petitioners.

4. The allegations in the charge sheet and the statements recorded by police during investigation that on the date of incident i.e., on 13.06.2017 the petitioners along with other accused threatened to kill the 2nd respondent-*de facto* complainant, is a question of fact, which cannot be decided at this stage while exercising the power under Section 482 Cr.P.C. While deciding the petitions under Section 482 Cr.P.C., the Court can verify the material, but it cannot appreciate the evidence to find out whether the 2nd respondent-*de facto* complainant has attended the Court or not on the date of incident, since it is a question of fact to be decided at the end of the trial, this Court cannot quash the proceedings at this stage exercising the inherent powers under Section 482 Cr.P.C.

5. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this petition shall stand closed. There shall be no order as to costs.

M. SATYANARAYANA MURTHY, J

NOVEMBER 03, 2017

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Date: 03.11.2017

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