

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**CRIMINAL PETITION No.12479 of 2017****ORDER:**

This Criminal Petition, under Section 482 Cr.P.C., is filed to quash the proceedings in PRC No.37 of 2017 on the file of Judicial First Class Magistrate, Badvel, YSR Kadapa District.

Respondent No.2/*de facto* complainant lodged a report with the police alleging that while he was watching the house of T. Veera Bhaskar Reddy, the petitioners along with 10 others came to the said house along with JCB to pull down the house and thereupon questioned the accused about their high handed acts, the petitioners caused bleeding injury near to his right eye along with other injuries with an iron rod and when he tried to obstruct them, they also tried to kill him while saying that if they dug and fill the pit after killing him, nobody will object to pull down the house of Saraswathi, wife of Veera Bhaskar Reddy and in the meanwhile, Saraswathi and Srikanth came to the scene and on seeing them, they fled away along with JCB. On the strength of the report of complainant, a case in Cr.No.167 of 2017 was registered for the offences under Sections 324, 307, 427 r/w 34 IPC and issued FIR. During investigation, the police examined as many as 6 witnesses and recorded their statements under Section 161 Cr.P.C. and after completion of investigation, they filed charge sheet.

Learned counsel for the petitioners mainly contended that the allegations made in the chargesheet against this petitioners did not constitute any offence punishable under Section 307 IPC and would draw the attention of this Court to the statement of *de facto* complainant, to establish that except A.1, other accused did not cause

any injury on the complainant and on the strength of the same, he contended that the material on record would not constitute any offence punishable under Sections 324, 307 427 r/w 34 IPC.

As seen from the allegations made in the chargesheet coupled with other material produced before the Court including the statements of the witnesses recorded under Section 161 Cr.P.C., would clearly disclose that the petitioners along with 10 others raided the house of K. Veera Bhaskara Reddy with JCB and when the complainant questioned about the high handed acts of the accused, the accused caused bleeding injuries on the complainant including the injury near the eye of the complaint while threatening him to kill. Therefore, the statements recorded by the police during investigation and other material collected would *prima facie* show that the petitioners committed an offence punishable under Sections 324, 307, 427 r/w 34 IPC. Hence, this Court cannot exercise inherent jurisdiction while exercising power under Section 482 Cr.P.C to quash the proceedings.

Section 482 Cr.P.C. conferred inherent jurisdiction on the Court to quash the proceedings only in three circumstances, which are as follows:

To implement the Order passed by the trial Courts, to prevent abuse of process of Court and to secure the ends of justice.

Keeping in view, the scope of Section 482 Cr.P.C., the Apex Court in *State of Haryana v. Bhajanlal*¹, laid down the following seven guidelines:

¹ 1992 Supp (1) SCC 335

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under [section 156\(1\)](#) of the code except under an order of a Magistrate within the purview of [Section 155\(2\)](#) of the Code.

3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under [section 155\(2\)](#) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions [of the Code](#) or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in [the Code](#) or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

According to Guideline Nos. 2 and 3, the Court can exercise inherent jurisdiction to quash the proceedings, if the allegations made in the FIR or in the complaint did not disclose the facts to constitute an offence; or, the allegations made in the complaint or FIR are highly improbable.

In the present facts and circumstances of the case, the contents of the charge sheet and the statements recorded during investigation, *prima facie* constitute an offence punishable under Sections 324, 307, 427 r/w 34 IPC if taken on their face value. Therefore, I am not inclined to exercise inherent jurisdiction under Section 482 Cr.P.C. to quash the proceedings since the offences committed by the petitioners along with others, are punishable under Sections 324, 307, 427 r/w 34 IPC. Therefore, I find no ground to quash the proceedings at this stage.

Accordingly, this Criminal Petition is dismissed at the stage of admission.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 15.12.2017

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HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY



Crl.P. No.12479 of 2017

Dt. 15.12.2017

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