

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRI.P.No.11915 of 2017

ORDER

This criminal petition is filed under Section 482 of Criminal Procedure Code to quash the proceedings in C.C.No.57 of 2014 pending on the file of Principal Junior Civil Judge-cum-VI Metropolitan Magistrate, Medchal, Cyberabad District, registered for the offences punishable under Sections 323 and 506 IPC, against the petitioner/accused, on the ground that the allegations made in the complaint and the charge sheet would not constitute the said offences and a false case is foisted against him.

2. The contention of petitioner is that he being a counsel for Gurudwara Prabandhik Committee, Alwal, has prosecuted several cases on its behalf, but due to differences, this false case is foisted against him based on the complaint dated 15.06.2014 made by the first respondent, by name, Sri Avtar Singh, who is the President of said Committee, and two others. On the strength of the said report, a case in Cr.No.556 of 2014 was registered against the petitioner for the offences punishable under Sections 295-A and 323 IPC and issued FIR.

3. On the basis of the FIR, the Investigating Officer took up the investigation and recorded the statements of Avtar Singh, Shamshir Singh, Laqvinder Singh and Iqbal Singh, who is the victim in this case. The de-facto complainant specifically stated about the

accused manhandled his son, by name, Sangat Iqbal Singh and threatened with dire consequences. In the same lines, Shamshir Singh, Laqvinder Singh and the victim stated that the petitioner manhandled the victim with hands and threatened with dire consequences with regard to the issues of Sikh Gurudwara. After completion of investigation, charge sheet was filed having satisfied that the petitioner committed the offences punishable under Sections 323 and 506 IPC by deleting Section 295-A of IPC.

4. The investigation revealed that while the de-facto complainant was present at Sikh Gurudwara, Alwal, the accused, who is a resident of MES Colony, Alwal, had an altercation with the de-facto complainant and three others and beat his son Sangat Iqbal Singh and threatened him with dire consequences. The material collected during investigation disclosed that the petitioner being the counsel of Gurudwara Prabandhik Committee picked up an altercation with the de-facto complainant and three others including the victim, and in their presence, the petitioner allegedly beat the son of de-facto complainant with hands. The consistent statements of the witnesses examined during investigation disclosed *prima facie* case against the petitioner for the offences punishable under Sections 323 and 506 IPC. Section 323 IPC deals with causing hurt voluntary and 'hurt' is defined under Section 319 of IPC, as under:

“Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt”.

5. Here, in this case, according to the victim, the petitioner

manhandled him and beat him with hands while threatening with dire consequences. Causing hurt voluntary or at least pain would attract the offence punishable under Section 323 IPC and threatening with dire consequences would fall within the definition of 'criminal intimidation' as defined under Section 503 IPC, which is punishable under Section 506 IPC. Section 503 IPC defines 'criminal intimidation, as under:

“Whoever threatens another with any injury to his person, reputation or property or to the person or reputation of any one in whom that person is interested with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding this execution of such threats, commits criminal intimidation”.

The alleged incident of threatening with dire consequences would fall within the definition of Section 503 IPC. Therefore, I find *prima facie* material against the petitioner to proceed further, as such, I find no ground to quash the proceedings.

6. At this stage, Sri I.V.N. Raju, counsel for petitioner, requested this Court to dispense with the appearance of petitioner on the dates of adjournment before the Magistrate. But, this Court cannot exercise power under Section 205 of Cr.P.C., in a petition filed under Section 482 of Cr.P.C. Therefore, I am not inclined to pass such order. However, liberty is given to the petitioner to file application either under Section 205 of Cr.P.C., or under Section 37 of Criminal Rules of Practice, after serving notice on the respondent, and on filing such application, the Magistrate is directed to dispose of the

application in accordance with law, keeping in mind the profession of petitioner, who is appearing before the Court on everyday and inconvenience being caused to the petitioner in the event of his appearance as accused in the Court.

7. With the above observation, the Criminal Petition is dismissed.

8. Miscellaneous petitions, if any, pending in this criminal petition shall stand dismissed.

5th December, 2017

sj

M. SATYANARAYANA MURTHY, J

