

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1062 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner-accused seeking to quash the proceedings against her in C.C. No.254 of 2015 on the file of the Judicial Magistrate of First Class, Punganur, Chittoor District, for the offences under Sections 447, 341, 323 and 506 I.P.C.

2. Heard the learned counsel for the petitioner-accused and the learned Assistant Public Prosecutor, apart from perusing the material on record.

3. Learned counsel for the petitioner-accused would submit that there are land disputes between the parties to the litigation; the petitioner filed a criminal case against the 2nd respondent-*de facto* complainant and the same is registered as Crime No.194 of 2015 for the offences under Sections 447, 341, 323, 506 I.P.C. of Punganuru Police Station; as a counterblast, this case is registered; no incident took place as alleged in the first information as well as in the charge sheet; the continuation of the proceedings against the petitioner is abuse of process of law; and ultimately, prayed to allow the application.

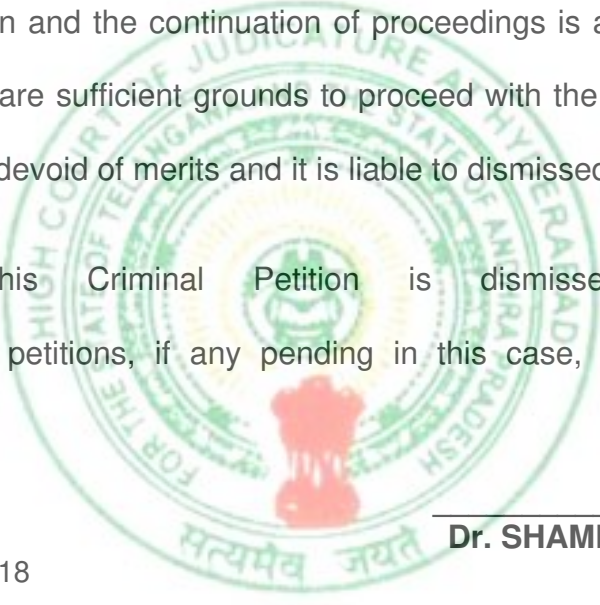
4. Learned Assistant Public Prosecutor opposed the relief sought by the petitioner-accused.

5. The material on record reveals that on 05.09.2015 at 1-30 p.m., the petitioner-accused alleged to have criminally trespassed into the land of the *de facto* complainant in Sy.No.339-3B situated at Lakkunta village, Raganipalle of Punganur Mandal, abused him, broken the glasses, pelted stones, caused damage to his tractor and beat him with hands and

legs and caused blunt injuries. There are also witnesses to the alleged offences, who are parents of the *de facto* complainant herein. It is contended that in O.S. No.121 of 2015 pending on the file of the Junior Civil Judge, Punganur, an interim injunction order is granted in favour of mother of the *de facto* complainant. There are specific allegations of beating, trespassing, etc. The police concerned after investigation filed charge sheet against the petitioner-accused for the offences under Sections 447, 341, 323 and 506 I.P.C. The allegations made against the petitioner for the said offences can only be determined after due trial. Under these circumstances, it cannot be held that the petitioner is innocent person and the continuation of proceedings is abuse of process of law. There are sufficient grounds to proceed with the trial of the case. The petition is devoid of merits and it is liable to dismissed.

6. This Criminal Petition is dismissed accordingly. Miscellaneous petitions, if any pending in this case, shall also stand dismissed.

2nd February, 2018
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Dr. SHAMEEM AKTHER, J