

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1145 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 in Crime No.2 of 2018 on the file of the Chirala I Town Police Station, Prakasam District, registered for the offences under Sections 427, 447 & 506 of I.P.C.

2. Heard the learned counsel for the petitioner/accused, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioner/accused would submit that Smt. Mandakini is the wife of the petitioner/accused. Earlier, she filed a criminal case against the petitioner/accused for the offences under Section 498-A of I.P.C. etc. The said case ended in acquittal. No incident took place as alleged in the First Information Report, dated 03.01.2018. The same is fabricated in order to harass the petitioner/accused. There are no justifiable grounds to register the crime and proceed with the investigation. It is nothing but abuse of process of law and ultimately prayed to allow the application.

4. The learned Assistant Public Prosecutor opposed the application contending that the matter is at the crime stage and ultimately prayed to dismiss the application.

5. The material on record reveals that on 03.01.2018, the petitioner/accused went to Mahesh Homeopathy Hospital, Chirala, and indulged in quarrel with his wife, who was working as a nurse in the said hospital. When the de-facto complainant/doctor intervened, the petitioner/accused pushed the de-facto complainant, threatened him, got the hospital property damaged. There are also allegations by the wife of the petitioner/accused with regard to the commission of offence, as mentioned in the First Information Report, dated 03.01.2018. Whether the alleged incident took place, whether the instant crime is registered in order to take vengeance can only be determined after investigation. There are allegations constituting offences under Sections 427, 447 & 506 of I.P.C., as mentioned in the report lodged with the police on 03.01.2018. The matter requires investigation. It is not appropriate to interfere with the investigation at this stage. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal petition is dismissed.

Pending Miscellaneous Petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

05th February, 2018
Bvv