

**HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

**CRIMINAL PETITION No.1649 OF 2018**

**ORDER:**

This Criminal Petition is filed under Section 482 of Cr.P.C. for quashing the proceedings in C.C.No.140 of 2017 on the file of the learned XIV Metropolitan Magistrate, L.B.Nagar, R.R. District.

2. Heard the learned counsel for the petitioners/accused Nos.1 and 2, the learned Assistant Public Prosecutor representing the respondent No.1-State and perused the record.

3. The learned counsel for the petitioners/accused Nos.1 and 2 would submit that the petitioners are the wife and daughter of the *de facto* complainant and the relations were strained between them. The *de facto* complainant alleged to have suffered simple injuries and Section 324 I.P.C. has no application to the instant case, and ultimately prayed to quash the subject C.C.

4. The learned Assistant Public Prosecutor would submit that whether the *de facto* complainant suffered simple injuries or grievous injuries, it has nothing to do with the instant case. The injuries were caused by felting stones and there are no circumstances to quash the impugned C.C.

5. In view of the contentions on both the sides, the point for determination is – Whether the impugned C.C. can be quashed as prayed for?

6. As per the material placed on record, on 11.01.2014 around 12.30 p.m. when the *de facto* complainant went to his house, his wife and daughter – the petitioners/accused herein did not allow him to enter into

his house and when he was pushing the gate, both of them pelted stones on him and caused bleeding injuries.

7. As contended by the learned Assistant Public Prosecutor, whether the injuries caused are simple or grievous, it has nothing to do with the provisions of Section 324 I.P.C. Pelting stones and causing injuries do certainly constitute an offence under the provisions of Section 324 I.P.C. The contentions raised before this Court on behalf of the petitioners/accused Nos.1 and 2 do fail. The Criminal Petition is devoid of merit and is liable to be dismissed.

8. Accordingly, this Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition, shall also stand dismissed.

Date: 15-02-2018

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**Dr. SHAMEEM AKTHER, J**

