

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.4169 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner-A.3 seeking to quash the proceedings against him in Crime No.854 of 2017 of Vanasthalipuram Police Station, Ranga Reddy District, registered for the offence under Sections 148, 307, 342 I.P.C. r/w Section 149 I.P.C.

2. Heard the learned counsel for the petitioner-A.3, learned Assistant Government Pleader for Home and perused the material on record.

3. The learned counsel for the petitioner-A.3 would submit that the alleged incident said to have taken place on 06.11.2017, but the report was lodged with the police on 13.11.2017; as per the medical record of Amma Hospital, the petitioner-A.3 was admitted there on 06.11.2017 under the influence of alcohol; he made a statement to the doctors that he could not identify the persons who beat him; there is a delay in lodging the report; the other accused in this case are enlarged on bail; there are no circumstances to continue the proceedings against the petitioner-A.3; the continuation of the proceedings against the petitioner-A.3 is nothing but abuse of process of law; and ultimately, prayed to allow the petition.

4. Learned Assistant Government Pleader opposed the grant of relief sought by the petitioner-A.3.

5. In view of the contentions putforth by both sides, the point for determination is, whether the proceedings in Crime No.854 of 2017 of Vanasthalipuram Police Station, Ranga Reddy District, can be quashed?

6. As per the material placed on record, the *de facto* complainant established some business in the name of Deccan Traders, Sky LED's and MSF Deccan at Dubai, U.A.E. and A.1 is his partner. During last three years, they developed business. A.1 developed eyesore on business and demanded the *de facto* complainant to transfer the business in his mother's name. For that, the *de facto* complainant did not agree. Thereafter, some differences arose between the parties. A.1 several times insisted the *de facto* complainant to transfer the business in his name, for which the *de facto* complainant did not do so. Keeping the same in mind, A.1 developed grudge against him and on 06.11.2017 at about 17-00 hours, when the *de facto* complainant was available at his office at Vanasthalipuram Deccan Traders, then A.1 to A.5 went there and asked him to accompany them to their factory situated at Hayathnagar, on reaching the factory, A.6 to A.8 joined the other accused as indicated above including the petitioner-A.3, confined him wrongfully, beat him with iron rods on head and mouth. The *de facto* complainant suffered severe bleeding injuries and his teeth were broken. Thereafter, the petitioner-A.3 along with other accused obtained signatures of the *de facto* complainant on cheque books belonging to Hyderabad Bank as well as Dubai Bank, took away his ATM cards and also took the original passport, etc. Thereafter, they took him to Amma Multi Speciality Hospital and threatened him with dire consequences that they would kill the family members of *de facto* complainant. The manner in which the *de facto* complainant assaulted and wrongfully confined and the allegations with regard to forcibly taking the signatures certainly, it requires investigation. When the *de facto* complainant was not allowed to speak, there is no possibility of his making a statement to the doctor or any person working in Amma Multi Speciality Hospital. Lodging of report with delay of 7 days is also not a fatal. In view of the serious threats given to the *de facto*

complainant and his family members, the matter requires examination. There are no circumstances to quash the proceedings. The petition is devoid of merit and it is liable to be dismissed.

7. The Writ Petition is dismissed. Pending Miscellaneous Petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

9th February, 2018

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