

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1804 OF 2018

ORDER:

This petition is filed by the petitioners-A1 and A2 under Section 482 Cr.P.C. to quash the proceedings in Cr.No.3 of 2018 on the file of the Station House Officer, Ramagiri Police Station, Anantapuramu District, which was registered for the offences punishable under Sections 363, 324 and 506 r/w 34 IPC.

2. Heard learned counsel for the petitioners, learned Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners would submit that a false report was lodged with the police by the 2nd respondent. No offence is committed as alleged in the F.I.R. It is further submitted that the 2nd respondent gave a report to the Superintendent of Police on 13.02.2018, wherein he narrated that no such incident took place and he was forced to lodge a report against the petitioners. There are no circumstances to investigate the case and ultimately, prayed to allow the petition.

4. On the other hand, Mr.Posani Venkateswarlu, learned Public Prosecutor representing the 1st respondent-State would submit that the petitioners have given an affidavit, wherein a different version is stated from the version given in the representation to the Superintendent of Police. Further, there is also contradiction in the report lodged with the police on 07.02.2018. Altogether, there are three versions of the 2nd respondent in this case. Immediately, after lodging the report with the police, the 2nd respondent was subjected to medical examination. So also,

the F.I.R. was forwarded to the Magistrate concerned immediately after registration of the crime. The matter requires examination and ultimately, prayed to dismiss the petition.

5. The point for determination is whether the proceedings are liable to be quashed?

6. As seen from the F.I.R. lodged with the police, there are allegations constituting the offences referred above. The 2nd respondent-de facto complainant is going on giving contradictory versions. There is a representation, dated 13.02.2018 to the Superintendent of Police. The 2nd respondent also filed an affidavit before this Court, not in tune with the report given to S.H.O.. It is contended on behalf of the petitioners-A1 and A2 that the 2nd respondent was forced to lodge a report with the police. The truth or otherwise of the allegations made in the report, dated 07.02.2018 is required to be investigated. In view of the contradictory statements given by the 2nd respondent, it is unsafe to act upon the affidavit given before this Court as well as representation made to the Superintendent of Police. In the circumstances, this Court is declined to concede the request made on behalf of the petitioners. The petition is devoid of merit and is liable to be dismissed.

7. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED:16-02-2018.

Hsd