

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.5751 OF 2017

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. seeking to quash the proceedings in C.C. No.474 of 2016 on the file of I Additional Judicial Magistrate of First Class, Khammam Town and District, against the petitioners-A.1 and A.2 for the offences under Section 323, 294(b), 506 I.P.C. r/w Section 34 I.P.C.

2. Heard the learned counsel for the petitioners-A.1 and A.2, the learned Additional Public Prosecutor appearing for respondent No.1-State and the learned counsel for respondent No.2-*de facto* complainant, apart from perusing the material available on record.

3. Learned counsel for the petitioners-A.1 and A.2 would submit that the petitioners-A.1 and A.2 are innocent persons and they have falsely implicated in this case; there are no specific allegations against the petitioners-A.1 and A.2 constituting the offences alleged; the continuation of proceedings against the petitioners-A.1 and A.2 is abuse of process of law; and ultimately, prayed to allow the application.

4. On the other hand, learned Additional Public Prosecutor opposed the relief sought by the petitioners.

5. The material on record reveals that the petitioners-A.1 and A.2 filed Crl.P. No.14932 of 2016 before this Court to quash the proceedings in C.C. No.474 of 2016 on the file of the I Additional Judicial Magistrate of First Class, Khammam, but the same was withdrawn, by way of orders dated 24.10.2016. The allegations constitute the offences under Sections 323, 294(6), 506 I.P.C. r/w Section 34 I.P.C. There is no substance in the contentions made on behalf of the petitioners-A.1 and

A.2. The accusation or innocence would be decided after due trial. The Criminal Petition is devoid of merits and it is liable to be dismissed.

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

Dr. SHAMEEM AKTHER, J

Date: 25-01-2018

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