

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.2044 of 2018

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioner/accused, seeking to quash the proceedings in Crime No.24 of 2018 on the file of the Mirchowk Police Station, Hyderabad District, registered for the offences under Sections 353 read with 323 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 the petitioner/accused has lodged a report against one Mouzzam and a case in Crime No.15 of 2018 on the file of Mirchowk Police Station, Hyderabad District, is registered on 29.01.2018. Subsequent to that, the petitioner/accused is falsely implicated in this case and ultimately prayed to allow the application.

4. The allegations in the impugned report are that the de-facto complainant was performing her duty and causing enquiry and in the meanwhile, the alleged offence said to have taken place.

5. Having regard to the submissions made by both the sides and in view of the nature of allegations leveled in the First Information Report lodged on 05.02.2018, investigation has to go on to find out truth or otherwise of the allegations leveled against the petitioner/accused. However, the police concerned shall not arrest the petitioner/accused, pending investigation. They can proceed with the investigation of the case and file charge sheet or final report, as the case may be.

6. With the above direction, the Criminal Petition is disposed of. However, in the facts and circumstances of the case, the de-facto complainant – P.Swapna, is directed to file counter affidavit with regard to her alleged role, i.e., conducting enquiry in the police station, within a period of four (04) weeks from today. Further, she is directed to be present on that day, along with the Station House Officer, Mirchowk Police Station, Hyderabad District. On filing of such counter-affidavit by the de-facto complainant, the Registry is directed to again list the matter before this Court under appropriate caption.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand dismissed.

20th February, 2018
Bvv

Dr. Shameem Akther, J

