

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.2138 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 and A.2, seeking to quash the proceedings in C.C.No.411 of 2017 on the file of the Chief Metropolitan Magistrate, Nampally, Hyderabad.

2. Heard the learned counsel for the petitioners/A.1 and A.2, learned Assistant Public Prosecutor representing the 2nd respondent-State and perused the record.

3. The learned counsel for the petitioners/A.1 and A.2 would submit that the victim suffered only simple injuries. No offence is constituted for the offence under Section 324 of I.P.C. The petitioners/A.1 and A.2 are students. There are no circumstances to proceed with the trial of the case and ultimately prayed to allow the application.

4. The learned Assistant Public Prosecutor opposed the same contending that the injuries need not be grievous in order to constitute offence under Section 324 of I.P.C and ultimately prayed to dismiss the application.

5. As per the record placed on record, specific overt acts are attributed to the petitioners/A.1 and A.2 alleging that they beat the de-facto complainant with iron rods and hockey sticks. Weapons used for causing injury to the de-facto complainant is covered by the provision of Section 324 of I.P.C. There are specific allegations and grave overt

acts against the petitioners/A.1 and A.2. The truth or otherwise of the incident is required to be determined after due trial. There are no circumstances to quash the proceedings against the petitioners/A.1 and A.2. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

22nd February, 2018
Bvv

Dr. SHAMEEM AKTHER, J

