

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.11182 of 2011

ORDER:

This criminal petition is filed for quash of the proceedings in C.C.No.15 of 2011, against the petitioner, who is the accused, on the file of the X Additional Chief Metropolitan Magistrate, Secunderabad. The offences alleged are under Sections 353 of the Indian Penal Code and Section 70 of the CP Act.

2. Heard the counsel for the petitioner and the learned Public Prosecutor, appearing for the first respondent. None appears for the second respondent in spite of notice.

3. The allegations in the complaint are that on the date of offence, which is 08.03.2010, the petitioner and others entered into the tender hall and shouted at another person by name Y. Madhusudhan Reddy and beat him in furious condition and when the complainant tried to stop them, the petitioner herein caught hold of his shirt and abused him in filthy language and stopped him from discharging his official duty.

4. The counsel for the petitioner submits that the said Madhusudhan Reddy also filed a complaint against the petitioner and the same ended in a compromise.

5. The aforesaid compromise cannot form a basis for quashing the present proceedings, as in the process of dispute between the petitioner and Madhusudhan Reddy, the petitioner is alleged to have committed the alleged offence against the complainant herein.

The contention that the complainant is both the complainant and the Investigating Officer in this case also does not entitle the petitioner for quash of proceedings, as no personal interest of the complainant is involved in registering the case and investigating into the matter. However, that is an aspect, which has to be gone into at the time of trial.

In the light of the above, the criminal petition is dismissed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

November 8, 2018
DSK

T. RAJANI, J

