

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.2358 OF 2018

ORDER:

This petition is filed by the petitioners-A1 to A4 under Section 482 Cr.P.C. to quash the proceedings in C.C.No.610 of 2016 on the file of the VI Addl. Chief Metropolitan Magistrate, Hyderabad, which was taken cognizance of the offence punishable under Section 324 r/w 34 IPC.

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

3. Learned counsel for the petitioners would submit that the daughter of petitioner-A2 was given in marriage to the de facto complainant. She died some time back. When the petitioners and the de facto complainant met in a function, taking advantage of that, a false case was registered against the petitioners. It is further contended that as per the prosecution case and the medical report, the de facto complainant suffered simple injuries. Further, it is alleged that a stick was used in the commission of offence. Unnecessarily, four persons are roped in this case. The petitioners cannot be prosecuted for the offence punishable under Section 324 IPC and ultimately, prayed to allow the petition.

4. On the other hand, learned Assistant Public Prosecutor opposed the grant of relief sought for by the petitioners in the petition.

5. The point for determination is whether the proceedings against the petitioners-A1 to A4 can be quashed?

6. As seen from the material on record, the petitioner-A1 alleged to have beat the de facto complainant with a stick

and other petitioners-A2 to A4 alleged to have beat the de facto complainant with hands. The requisite condition to constitute an offence punishable under Section 324 IPC is hurt and it should be caused with dangerous weapon or means. The stick alleged to have been used in commission of the offence can be a dangerous weapon. The truth or otherwise of the allegations is required to be determined after due trial. Further, it cannot be held that no offence is made out against the petitioners for the offence punishable under Section 324 r/w 34 IPC. There are no merits to quash the proceedings.

7. In the course of submissions, it is brought to the notice of this Court that personal attendance of the petitioners may be disposed with as one of them is ready to represent the other petitioners.

8. Under these circumstances, the petitioners-A1 to A4 are required to file an application under Rule 37 of Criminal Rules of Practice to be represented by one among them. In such event, the Court below may consider the same in accordance with law. Further, the Court below need not take any of the observations made in this order, while disposing of the C.C.No.610 of 2016.

9. With the above observation, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 26-02-2018.

Hsd