

SMT JUSTICE T.RAJANI

CRIMINAL PETITION Nos.8319, 11129, 11130
AND 11132 OF 2011

COMMON ORDER:

These petitions are filed by the petitioners seeking for quash of the proceedings in PRC No.22 of 2011; CC No.637 of 2011; CC No.636 of 2011; and CC No.632 of 2011 on the file of the court of Judicial Magistrate of First Class, Srikakulam.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the 1st respondent as well as the counsel appearing for the 2nd respondent.

3. The counsel for the petitioners submits that initially on the basis of the complaints filed by the *de facto* complainant, investigation was done and final reports were filed closing the respective cases as false and also as civil in nature. But as against the said final reports, protest petition/private complaints were filed and the Court below took cognizance of the case. The counsel submits that the orders taking cognizance does not reflect reasons.

4. But a perusal of the orders shows that the court has considered statements of four witnesses, who were recorded on behalf of the complainant, and it was also mentioned in the order that the statements of the witnesses shows that A1 attacked the complainant with a knife and that A1 to A5 chased the complainant when he was escaping from the attack. On the basis of the said statements, the court was satisfied that there was *prima facie* case against A1 to A5. But, however, the

court found that there was no case found against A6 to A11. Hence the order reflects application of mind of the Court below while taking cognizance. Hence, this court opines that absolutely there are no reasons to interfere with the orders taking cognizance.

5. Hence, in view of the above, this court opines that it is not safe to quash the proceedings.

6. With the above observations, the Criminal Petitions are dismissed. However, considering the plea of the petitioners' counsel that the presence of the petitioners may be dispensed with, the Court below is directed not to insist upon the presence of the petitioners unless it is necessary for the proceedings of the case. Interim stay granted by this court in CRLP MP No.8917 of 2011 dated 13.09.2011; CRLP MP No.12429 of 2011 dated 11.11.2011; CRLP MP No.12430 of 2011, dated 11.11.2011; CRLP MP No.12432 of 2011 dated 11.11.2011 shall stand vacated.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T.RAJANI, J

December 5, 2018
LMV