

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.3124 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 to A.4 & A.6, seeking to quash the proceedings in C.C.No.346 of 2017 on the file of I Additional Judicial Magistrate of First Class, Jagtial.

2. Heard the learned counsel for the petitioners/A.1 to A.4 & A.6, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioners/A.1 to A.4 & A.6 would submit that the respondent No.2 herein did not state in her sworn statement with regard to the beatings etc., to constitute offence under Sections 324, 504, 509, 506(ii) and 290 of I.P.C. The allegations made in the compliant do not constitute offences under the aforementioned provisions of law and ultimately prayed to allow the application.

4. The learned Assistant Public Prosecutor opposed the relief sought by the petitioners/A.1 to A.4 & A.6.

5. Now the point for determination is whether the proceedings against the petitioners/A.1 to A.4 & A.6 in C.C.No.346 of 2017 on the file of I Additional Judicial Magistrate of First Class, Jagtial, are liable to be quashed.

6. As seen from the sworn statement given by the victim, the petitioners/A.1 to A.4 & A.6 are the relatives of respondent No.2 herein. There are disputes relating to sharing of the joint family

properties. There are specific allegations of abusing the respondent No.2 as “LANJA ENKA ENDUKU ADIGUTUNNAVE NUVVU EMICHESUKUNTAVO CHESUKO MEERU AASTE LEDANI RASI ESTE MEE BONDS ESTA”. There are also allegations of beating the respondent No.2 with brick and hands indiscriminately, insulting her, misbehaving with her by dragging her sari and pushing her on the floor, against the petitioners/A.1 to A.4 & A.6. The allegations do require investigation as per the procedure established by law. There are grave and specific allegations against the petitioners/A.1 to A.4 & A.6. It is not appropriate to quash the proceedings against them. Further, it cannot be said that continuation of proceedings is abuse of process of law. The Criminal Petition is devoid of merit and is liable to be dismissed.

7. Accordingly, the Criminal Petition is dismissed.

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

8. In the open Court, when the above order was dictated, Sri K.Lakshmi Manohar, learned counsel for the petitioners/A.1 to A.4 & A.6 made an unwarranted comment as follows:-

“This is a clear case of quashing the proceedings against the petitioners/A.1 to A.4 & A.6 and in his 36 years’ of standing, he did not come across this kind of order.”

This kind of utterance is deprecated. The counsel tendered apology.

Dr. SHAMEEM AKTHER, J

14th March, 2018
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