

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.8574 of 2011

ORDER:

This petition is filed, seeking for quash of the proceedings against the petitioners, who are A1 and A2, in C.C.No.1672 of 2010 on the file of the Court of IX Additional Metropolitan Magistrate, Cyberabad at Miyapur. The offences alleged against the petitioners are under Sections 499, 500, 504, 505(1)(b)(c) and 505(2) of IPC.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the 1st respondent. None appears for the 2nd and 3rd respondents in spite of notice.

3. The allegations in the complaint are that petitioners have used abusive language against PRP Party and one Chiranjeevi garu. There are specific allegations made in the complaint that they have abused the said Chiranjeevi garu and that he has sold the party tickets and he is cheating the public etc.

4. Hence, it cannot be said that the allegations made by the petitioners do not amount to an offence punishable under Section 500 IPC.

5. With regard to the maintainability of the petition, the counsel for the petitioners is not in a position to support his contention that the petitioners do not have locus standi.

6. A reading of Section 499 IPC would show that it is not only the person against whom defamatory statement is made, that has to file a complaint, but any person can file a case for defamation on his behalf. The same can be understood from explanation (i) to Section 499 IPC, where even any imputation made against the deceased person is also an offence under Section 499 IPC.

7. Hence, in view of the above, this is considered as not a fit case for quashing the further proceedings. However, the plea of the petitioners' counsel to dispense with the presence of the petitioners can be considered and the Court below is directed not to insist upon the presence of the petitioners unless it is necessary for the proceedings of the case.

8. Accordingly, the Criminal petition is dismissed. Interim stay granted by this court on 20.09.2011, in CrI.P.M.P.No.9238 of 2011, shall stand vacated.

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

August 29, 2018
LMV

T. RAJANI, J