

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.3338 OF 2018

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. to quash the proceedings in Cr.No.276 of 2018 on the file of the Station House Officer, L.B.Nagar Police Station, Ranga Reddy District, registered for the offence punishable under Section 354 IPC.

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

3. Learned counsel for the petitioner would submit that there is no specific mention that what kind of misbehaviour alleged to have been made by the petitioner against the de facto complainant. The total prosecution case is false. The de facto complainant is under apprehension that the petitioner had colluded with other side in a suit filed by the de facto complainant to claim compensation with regard to occurrence of death of the husband of the de facto complainant by fall of a lift belong to the hospital. On the other hand, the de facto complainant and her family members suspected that the petitioner had collected money from other side. They have indulged in criminal acts. The petitioner lodged a report with the police and the same was registered as Cr.No.119 of 2018 on 05.03.2018 with regard to the commission of offence at 11.45 hours. All the allegations in the report, dated 05.03.2018 in Cr.No.276 of 2018 made against the petitioner are absolutely false and ultimately, prayed to allow the petition.

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

5. As per the report lodged with the police, dated 05.03.2018 by the de facto complainant in the instant case, the petitioner is her brother by courtesy and conducting case on her behalf to seek compensation on account of the death of her husband, which occurred by fall of a lift belong to the hospital and in that process, when the de facto complainant was going to Court on 05.03.2018 at 10.30 AM along with the petitioner, the petitioner alleged to have caught hold of her hand and said to have insulted the modesty of the de facto complainant. Immediately, she came out of the lift and left the place. Thereafter, she lodged report with the police. On that, this case is registered and it is under investigation.

6. In the complaint lodged by the petitioner-accused, it is alleged that on 05.03.2018 at 11.45 hours a group of people wherein, the de facto complainant is also cited as one of the accused alleged to have trespassed into his house, beat the petitioner and his relatives. It is also alleged that the de facto complainant and others threatened the petitioner. The report lodged by the petitioner does not falsify the case of de facto complainant. Merely because, a report is lodged by the petitioner, it cannot be held that no alleged incident took place as contended by the de facto complainant. In view of the circumstances, the continuation of investigation is not an abuse of process of law. The truth or otherwise of the allegations is required to be determined in the course of investigation. The 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.

DR.SHAMEEM AKTHER, J

DATED: 16-03-2018.

Hsd

