

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3601 of 2018

ORDER:

In this petition filed under Section 482 Cr.P.C., the petitioners/A1 and A2 seek to quash the proceedings against them in Cr.No.73 of 2016 of Utkoor PS., Mahabubnagar District registered for the offences under Sections 341, 323, 504, 506 r/w 34 IPC.

2) Investigation is reported to be pending.

3) Brief facts of the complaint are that:

a) On 20.11.2016 at about 15.30 hours, when the complainant was driving the tractor from Utkoor to Pulimamidi carrying stone load and on the way his tractor reached Magdhompur Chowrasta in front of house of Md. Sabbu, A1 along with A2 stood on the side of the road along with his bike and when the tractor reached them, abused the *de-facto* complainant in filthy language without there being any fault on the part of complainant and further, they wrongfully restrained him and picked up quarrel with him.

4) Seeking quashment, learned counsel for petitioners would submit that the present complaint with false averments is a counter blast

against FIR No.72 of 2016 of Utkoor PS lodged by the present petitioners against Bharat Kumar and Raju. On this submission he sought to quash the proceedings.

5) It is seen that there is *prima facie* accusation and investigation is in the nascent stage. Whether the present complainant is a counter blast to FIR No.72 of 2016 or not can be determined after full fledged investigation.

6) In that view of the matter, it is not apt to quash the proceedings. Hence, investigation shall be continued to its logical end. However, the Investigating Officer during the course of investigation shall not arrest the petitioners/A1 and A2 and strictly follow the procedure contemplated under Section 41A Cr.P.C.

7) Criminal Petition is accordingly disposed of.

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

U. DURGA PRASAD RAO, J

Date: 27.03.2018
Murthy