

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3889 of 2018

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. by the petitioner/A.2 seeking to quash the proceedings against him in C.C.No.723 of 2017 on the file of XX Metropolitan Magistrate, Cyberabad at Malkajgiri, Hyderabad, registered for the offences under Sections 448, 504, 506 and 509 of I.P.C.

On the complaint given by the defacto complainant who is the President of Rockview Apartment Plaza, Police of Neredmet, registered the case and after investigation, filed the charge sheet.

The complaint allegations, in brief, are that the defacto complainant is the President of Rockview Apartment Association and M.Radha Krishna (A.1) and the petitioner/A.2 are residing in flat Nos.405 and 102, respectively. The accused, aggrieved by her becoming elected as President have been harassing her with abusive words. On 2-5-2017, the accused made complaint to the defacto complainant regarding missing of bike bearing No.AP 29 AK 7253 belonging to Radhakrishna which he locked in the parking area of apartment and on that she suggested him to give a complaint to the police. Taking advantage of the said incident, he complained against her by putting a statement in the Notice Board that she was responsible for missing of the vehicle and at about 10-30 A.M., A.1 along with A.2 trespassed into her house and abused her in filthy

language and threatened her to death. A.2 also insulted her in filthy language.

Refuting the Charge Sheet allegations, learned counsel for the petitioner would submit that assuming that Charge Sheet allegations were to be true, there is no case against petitioner/A.2. On this ground, he sought for quashment of the proceedings.

It is seen that in this case, investigation is completed and Charge Sheet is filed and the same has been taken cognizance and the summons were issued for appearance and the matter is coming up for appearance of the accused. As the matter stands, it is not apposite for this court to quash the proceedings. However, liberty is given to the petitioner to move the trial court with an appropriate application seeking for his discharge in which case, the trial court shall pass appropriate orders on merits at the earliest.

Having regard to the nature of the accusation, the appearance of the petitioner A.2 in C.C.No.723 of 2017 before the trial court is dispensed with.

Accordingly, this Criminal Petition is disposed of.

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

JUSTICE U.DURGA PRASAD RAO

Dated 10th April, 2018.

Dvs

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO



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