

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.6212 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. for quashing the proceedings in C.C.No.3 of 2016 on the file of the III Additional Chief Metropolitan Magistrate, Gajuwaka.

2. Heard both sides and perused the record.

3. The learned counsel for the petitioner/accused would submit that the petitioner is not responsible for any of the offences alleged under Sections 448, 323 and 506 I.P.C. The *de facto* complainant and his employees wrongfully confined the petitioner and beat him, on that he lodged a report before the police and the same is registered as a case in Crime No.419 of 2015. Further, no incident took place as alleged in the charge sheet and ultimately prayed to quash the proceedings in C.C.No.3 of 2016 pending on the file of the III Additional Chief Metropolitan Magistrate, Gajuwaka.

4. The learned counsel appearing for the respondent No.2 would submit that the petitioner is the aggressor and responsible for the commission of the aforesaid offences and the respondent No.2 is an innocent person, and ultimately prayed to dismiss the petition.

5. The learned Assistant Public Prosecutor would submit that both the parties are responsible and committed the offences, accordingly crimes were registered, investigations were completed and charge sheets were filed.

6. As per the material on record, the petitioner/accused is due an amount of Rs.4 lakhs to respondent No.2. There were also disputes

between them with regard to the sale of land situated at Srikrishnarayapuram, Vepagunta, Pendurthy, Visakhapatnam. On 17.04.2015, the petitioner was called by the respondent No.2 to discuss the financial matters. When the respondent No.2 arrived and went into his chambers, the accused turned violent, criminally trespassed into the chamber of respondent No.2, quarreled with him and damaged the property. There are also other allegations against the petitioner/accused and there are also allegations against the respondent No.2 and his staff members in wrongfully confining and assaulting the petitioner/accused.

7. However, in the circumstances of the case and in the proceedings of this nature, it cannot be held that the petitioner/accused is an innocent person and a false case is foisted against him by the respondent No.2. The allegations levelled in the impugned criminal case are required to be determined after due trial. The continuation of the criminal proceedings is not abuse of process of law. The criminal petition is devoid of merit and is liable to be dismissed.

8. Accordingly, this Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition, shall also stand dismissed.

Dr. SHAMEEM AKTHER, J

Date: 08-02-2018

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