

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 4420 of 2018

ORDER:

This Criminal Petition, under Section 482 Cr.P.C., is filed by the petitioners/accused Nos. 1 to 6 to quash the proceedings in C.C.No.33 of 2018 pending on the file of Judicial Magistrate of First Class, Pathapatnam, registered for the offencespunishable under Sections324, 323 r/w 34 IPC.

Second respondent, who is working as Assistant to Dr. Panduranga Rao in Satya Sai Day and Night Hospital at Pathapatnam, lodged a complaint with the police alleging that there were disputes between the petitioners and 2nd respondent and on 07.08.2007 at 08.00 pm when the respondent No.2 was in hospital, the petitioners rushed to medical shop and among them, A.1 tried to beat him with an iron rod on his head, but he escaped from the blow, and thereafter A.2 bet him with some unknown item and caused bleeding injury and the remaining petitioners beat him with hands and legs with the support of A.3 and when they tried to open the lock of medical shop of A.3, they beat him and threatened the complainant and others with dire consequences.

The Petitioner filed this Petition under Section 482 Cr.P.C. on various grounds, more particularly, on the ground that due to disputes between the parties, a false case has been filed by the complainant and that the material collected during investigation does not disclose the commission of offence muchless the offencespunishable under Sections 324, 323 r/w 34 IPC and prayed to quash the proceedings.

During hearing, learned counsel for the requested this Court to dispense with the appearance of the petitioners before the trial Court on the date of adjournments.

But, it is for the trial Court to decide whether their presence is required or not and in case the petitioner filed an application under Rule 37 of Criminal Procedure Code before the Magistrate, to dispense with their presence by appearing through special vakalat holder, the Magistrate is directed to pass appropriate orders in accordance with law.

With the above direction, this Criminal Petition is disposed of leaving it open to the petitioners to file an application under Section 37 Cr.P.C. to dispense with their presence.

Date: 30-04-2018
eha

M. SATYANARAYANA MURTHY, J



THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl. PETITION No.4420 of 2018

Dt. 30-04-2018

cha

