

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Criminal Petition No.2539 of 2013

ORDER:

In this petition filed under Section 482 Cr.P.C., the petitioners/ Accused Nos.1 and 2 seek to quash the proceedings against them in C.C.No.62 of 2013, which was taken cognizance for the offences under Sections 323, 290, 504 IPC by the Judicial Magistrate of Second Class, Manthani, Karimnagar District.

2) The brief facts of the complaint are that the daughter of the complainant—Puskuri Sandhya, is the daughter-in-law of the accused and they drove her away from the matrimonial home about 1½ years prior to the complaint and ever since she took shelter in the house of the complainant. While-so, on 01.03.2013 at about 3:00pm, the accused went to the house of the complainant at Manthani and demanded the complainant and his daughter to handover the documents relating to the land and when the complainant refused, the accused beat him all over his body and abused him in filthy language and caused nuisance in the presence of the witnesses. The witnesses present, pacified the accused.

3) Heard both sides.

4) Denying the complaint allegations as false and motivated, learned counsel for petitioners would submit that earlier the daughter of the complainant lodged a complaint with the police of Basanth Nagar PS, which was registered as Crime No.182/2011 for the offences under

Sections 498-A, 406 & 506 IPC and Sec.4 of D.P. Act and the same is pending and in order to further harass, she got filed the instant private complaint through her father with all false and frivolous allegations. He would further submit that following the directions in the summons, accused attended Court at 10:30am on 11.03.2013 but they came to know that the Court of Judicial Magistrate of Second Class, Manthani would function between 8:00am and 10:00am in the morning hours and by the time they went to the Court at 10:30am, the matter was already called and due to their absence, NBWs were issued against them. They further came to know that the complainant filed petition to appoint an Advocate Commissioner to execute the NBWs. Learned counsel submitted that all these acts are aimed at harassing the petitioners and there is no truth in the allegations made in the complaint, which is evident from the fact that names of the alleged witnesses is not mentioned in the complaint and further, no wound certificate is produced along with the complaint to establish that the complainant received injuries in the hands of accused. He thus prayed to allow the petition and quash the proceedings.

5) Learned Additional Public Prosecutor opposed the petition submitting that the questions raised in the argument of the petitioners have to be examined only after full-fledged trial.

6) This Court is of the considered view that the questions raised by the petitioners/accused need a thorough examination during the trial. As

the matter stands, an opportunity should be given to the petitioners to appear before the Trial Court and face the trial. Therefore, the petitioners are directed to appear before the Trial Court on or before **02.08.2018** and file an application for recall of NBWs, in which case, the Trial Court shall recall the NBWs issued against them on the same day and permit them to contest the matter. In the meanwhile, the NBWs issued against the petitioners shall remain in abeyance.

7) With the above observations, this Criminal Petition is disposed of.

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

Date: 26.07.2018

Note:

- 1) Issue C.C today.
- 2) Registry is directed to send a copy of this order to the concerned Court forthwith.

(b/o)
scs

U. DURGA PRASAD RAO, J