

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.13155 OF 2011

ORDER:

This Criminal Petition, under section 482 of Cr.P.C., is filed by the petitioner/accused seeking to quash the proceedings in C.C. No.441 of 2011, pending on the file of the Court of VIII Additional Chief Metropolitan Magistrate, Hyderabad (for short, 'the trial Court'), registered for the offences punishable under Sections 324 and 506 of I.P.C.

2. Heard learned counsel for the petitioner, learned counsel for the 1st respondent – *de-facto* complainant, and the learned Public Prosecutor, appearing for the 2nd respondent - State.

3. A perusal of the complaint shows that the matter originated from a civil dispute with regard to a compound wall. There is a compromise between the parties with regard to the demolition of the old wall and reconstructing a new wall in O.S. No.1444 of 2009, on the file of the Court of VI Junior Civil Judge, City Civil Court at Hyderabad, and the Court also dismissed the suit as not pressed, recording the said compromise, on 16.06.2010. The allegation is that after the said compromise, the petitioner started construction of a compound wall and when the complainant questioned about the same the petitioner threw a brick at her. The petitioner, subsequent to filing of this complaint, also filed O.S. No.3229 of 2010 in which by virtue of the orders in I.A. No.877 of 2010, on 02.09.2010, obtained *ad-interim* injunction and by virtue of the orders in I.A. No.1217 of 2010, on 29.12.2010, obtained Police protection to implement the earlier *ad-interim* injunction order. Hence, that would, *prima-facie*, support the fact that the incident as stated in the complaint occurred.

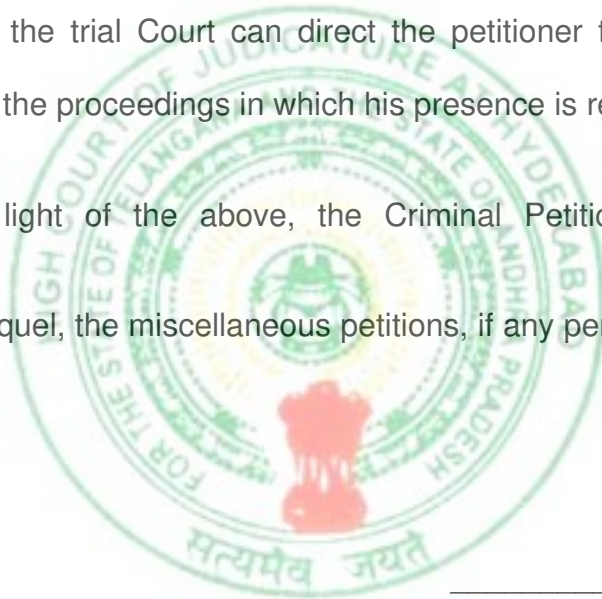
4. Hence, considering the above, this Court opines that this is not a fit case for quashing the proceedings pending against the petitioner in C.C. No.441 of 2011.

5. At this stage, the counsel requests the Court to dispense with the presence of the petitioner.

6. In view of the above, this Court considers that the presence of the petitioner before the trial Court may not be insisted upon unless it is required for the proceedings of the case. Hence, in view of the above, the presence of the petitioner shall be dispensed with. But, however, the trial Court can direct the petitioner to be present on those dates of the proceedings in which his presence is required.

7. In the light of the above, the Criminal Petition is dismissed.

8. As a sequel, the miscellaneous petitions, if any pending, shall stand dismissed.



T. RAJANI, J

Date: 04.10.2018.
Dsh

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Date. 04.10.2018

DSH