

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.8685 OF 2011

ORDER:

This Criminal Petition, under section 482 of Cr.P.C., is filed by the Petitioners/A-1 to A-6 seeking to quash the proceedings in C.C. No.243 of 2011, pending on the file of the Court of Judicial Magistrate of Second Class at Karimnagar, registered for the offences punishable under Sections 323 and 504 of I.P.C.

2. Heard learned counsel for the petitioners and learned Public Prosecutor, appearing for the 2nd respondent – State. None appears for the 1st respondent, in spite of service of notice.

3. The allegations in the complaint are that, on 20-04-2011 at about 11:00 A.M., when the complainant, along with his wife and other relatives, was waiting for a bus, the petitioners abused the complainant in filthy language and beat him and the complainant gave a representation to the Police on the same day, but Police did not take action and postponed it till the date of filing the complaint.

4. Learned counsel for the petitioners submits that a similar complaint was filed against the petitioners 1, 2, 6 herein and others for the same offences for the incidents which allegedly took place on 08.04.2011, which are separately numbered as Petty Case Charge Sheet Nos.49 to 53 of 2011 on the file of Judicial I Class Magistrate at Miryalaguda. Learned counsel further submitted that while the incident occurred in April, 2011, the complaint was filed in July, 2011. But, a perusal of the complaint herein shows that the complaint was given to the Police on the same day but the Police did not take action. The earlier complaint is in relation to a separate incident, the truth of which cannot be decided in this case. It is possible that there may be two incidents in which the petitioners might have beat the complainant. Hence, lodging of similar complaint against the petitioners earlier cannot become a basis to seek for quash of the proceedings in C.C. No.243 of 2011, though it is for the same offences.

5. Hence, in view of the above, this Court opines that it is not a fit case to quash the proceedings against the petitioners/A-1 to A-6 in C.C. No.243 of 2011, on the file of the Court of Judicial Magistrate of II Class at Karimnagar. Hence, the Criminal Petition is liable to be dismissed.

6. In the result, the Criminal Petition is dismissed. However, considering the request of learned counsel for the petitioners to dispense with the presence of the petitioners before the trial Court, the trial Court is directed not to insist upon the presence of the Petitioners/A-1 to A-6, except when it is necessary for the proceedings in C.C. No.243 of 2011.

7. As a sequel, miscellaneous petitions if any, pending in this Petition shall stand dismissed.

Date: 17.09.2018.
Dsh

T. RAJANI, J



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Date. 17.09.2018

DSH