

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.11506 of 2011

ORDER:

This criminal petition is filed, seeking for quash of the proceedings in Cr.No.308 of 2011, against the petitioner, who is A2, on the file of the Station House Officer, Nalgonda I Town Police Station, Nalgonda District. The offences alleged are under Sections 324, 417, 420, 465, 468, 504, 506 read with Section 34 of the Indian Penal Code and Section 156(3) of the Criminal Procedure Code.

2. Heard the counsel for the petitioner and the learned Public Prosecutor, appearing for the first respondent. None appears for second respondent in spite of notice.

3. The complaint is filed stating that A1 issued cheque in favour of the complainant and the same was returned on the ground that the signature of the drawer differed. When the complainant went to intimate about the return of the cheque to A1, he told him that he would come and meet him. On 03.11.2011, A1 came along with A2 to the house of the complainant and when the complainant demanded A1 to repay the amount, A1 refused to repay the amount and moreover, both the accused abused him in filthy language and beat him.

4. The counsel for the petitioner submits that the allegations made in the complaint do not constitute the offences under Sections 420, 417, 465 and 468 IPC insofar as A2 is concerned.

5. The said contention seems to be acceptable as A2 is not the person, who issued the cheque and he only assisted A1 in beating the

complainant and abusing him. But so far as other offences are concerned, they are very much attracted by the allegations in the complaint.

In the light of the above, the criminal petition is allowed in part and the proceedings in Cr.No.308 of 2011, against the petitioner, who is A2, on the file of the Station House Officer, Nalgonda I Town Police Station, Nalgonda District, are hereby quashed only insofar as the offences under Sections 420, 417, 465 and 468 IPC are concerned. The proceedings so far as other offences are concerned shall go on against A2. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

September 28, 2018
DSK

T. RAJANI, J

