

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.8167 of 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners-A.1 to A.3 seeking to quash the proceedings against them in Crime No.456 of 2014 of Visakhapatnam IV Town Police Station, registered for the offence under Section 307 I.P.C. r/w 34 I.P.C.

2. Heard the learned counsel for the petitioners-A.1 to A.3 and the learned Assistant Public Prosecutor, apart from perusing the material on record.

3. Learned counsel for the petitioners-A.1 to A.3 would submit that the petitioners are innocent persons; when the petitioners and other members were attacked by respondent No.2-*de facto* complainant and others, they lodged a report; for that a case was registered for the offence under Section 307 I.P.C.; as a counterblast, the subject crime is registered; and ultimately, prayed to allow the application.

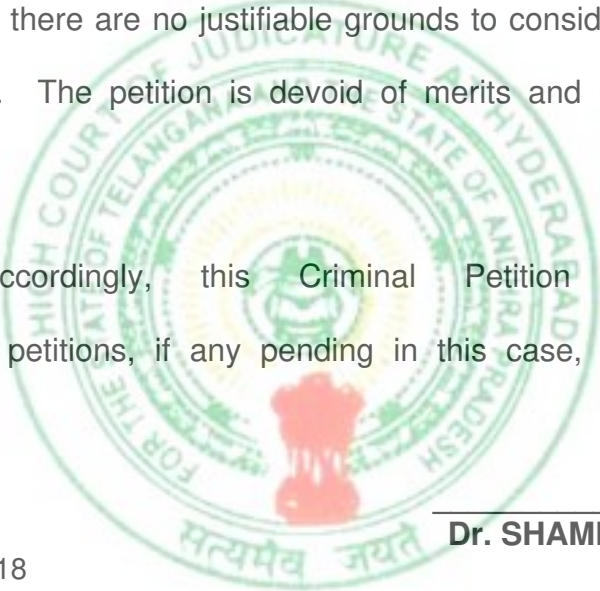
4. Learned Assistant Public Prosecutor opposed the relief sought by the petitioners-A.1 to A.3.

5. The material on record reveals that on 17.09.2014 at about 10-30 a.m., when the *de facto* complainant was going along with his friends at Satyam Junction to watch Vinayaka Nimajjanam and when they were standing on the road divider, the petitioners said to have thrown crackers on them. When the *de facto* complainant tried to escape, the cracker hit on his thigh. The *de facto* complainant questioned the same, the petitioners-accused abused him. To avoid nuisance, they proceeded with Nimajjanam of Vinayaka. When they came to a junction and the *de*

facto complainant questioned A.2 why he has lodged a report, then the petitioners said to have attacked the *de facto* complainant with knives and stones. In that process, he received blood injury with knife. One Ramana Reddy also suffered injury on the left hand caused with a rod. There are specific overt acts against the petitioners-accused. There are also allegations doing an attempt with the life of the *de facto* complainant. It cannot be said that the allegations are false. The truth or otherwise of the allegations made in the report dated 18.09.2014 is required to be investigated. It cannot be said that the continuation of proceedings against the petitioners is abuse of process of law. Under these circumstances, there are no justifiable grounds to consider the request of the petitioners. The petition is devoid of merits and it is liable to be dismissed.

6. Accordingly, this Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this case, shall also stand dismissed.

31st January, 2018
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Dr. SHAMEEM AKTHER, J