

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.3082 OF 2017

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. to quash the proceedings in C.C.No.118 of 2016 on the file of the I Metropolitan Magistrate, Vijayawada, wherein cognizance was taken for the offences punishable under Sections 341. 323 and 506 IPC.

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor representing the 1st respondent-State, learned counsel for the 2nd respondent and perused the record.

3. As per the material placed on record, on 09.12.2015 morning at about 11.00 hours Panchayat Department people visited the newly constructed road on the request made by L.W.1-Kilaru Anjaneyulu (2nd respondent herein-de facto complainant). At that time, L.Ws. 1 and 3 were also present. It is alleged that the petitioner-accused went there and picked up a quarrel with L.W.3-Koya Srinivas. L.W.1 pacified the same. There are also allegations against the petitioner that he wrongfully restrained the movements of L.W.1, abused him in vulgar language and beat him with hands. There are also allegations that the petitioner-accused took a rod and tried to beat L.W.1. There are eye witnesses to the alleged incident. Further, there are also allegations of threatening L.W.1 with dire consequences.

4. In the course of submissions, it has come to light that a case and counter case were registered by both parties to this litigation. The truth or otherwise of the allegations made in the cases is required to be determined after due

trial. In view of the allegations made in this case, it cannot be held that no alleged incident took place on 09.12.2015 morning at about 11.00 hours and the petitioner is falsely implicated in this case.

5. It is submitted that counter case was numbered as C.C.No.55 of 2017. Both the cases i.e., impugned C.C.No.118 of 2016 and C.C.No.55 of 2017 are pending before the same Court. In view of the circumstances narrated, it is not appropriate to dispose of both the cases expeditiously. It is contended that the petitioner-accused is aged person and he has difficulty in attending the Court. In such event, the petitioner is entitled to file an application under Section 317 Cr.P.C. There are no merits to quash the proceedings.

6. With the above observation, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DATED: 26-02-2018.

Hsd

DR.SHAMEEM AKTHER, J