

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.4214 of 2011

ORDER:

This criminal petition is filed for quash of the proceedings in CC.No.497 of 2007 against the petitioners, who are A1 and A2, on the file of the Additional Judicial Magistrate of First Class, Tadepalligudem, West Godavari District. The offences alleged are under Sections 420, 409, 419, 468, 506(2) read with Section 34 of the Indian Penal Code.

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

3. The counsel for the petitioners submits that initially the offences that were registered against the petitioners were under Sections 420, 409, 419, 468, 506(2) read with Section 34 IPC but later after investigation, the police deleted the offence under Sections 409, 419 and 468 IPC and filed charge sheet for the offences under Sections 420, 506(2) read with Section 34 IPC. The counsel further contends that the basis for the alleged offence under Section 420 IPC is the offence under Section 468 IPC.

4. But in the considered opinion of this Court, the charge sheet cannot be made a basis to quash the proceedings in respect of Section 420 IPC when the complaint discloses, *prima facie*, that the alleged offence is attracted to the acts committed by the accused. The allegation is that the accused threatened the complainant to sign on papers and when he refused to sign, A1 caught hold of him and A2 beat the complainant with Ruler, with an intention to kill. Though the

crime was registered for the offence under Section 468 IPC also, the contents of the complaint themselves show that no allegation of forgery is made out, but the averments of the complaint certainly would attract the offence under Section 420 IPC. In view of the above, this Court is not inclined to quash the proceedings.

In the light of the above, the criminal petition is dismissed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

November 14, 2018
DSK

T. RAJANI, J

