

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 8499 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') by the petitioner-accused No. 2 to quash the proceedings against him in crime No. 145 of 2018 of Kothapet Police Station, Guntur Urban, registered for the offence punishable under Section 379 of IPC.

2. Respondent No. 2 lodged a written report with police alleging that on 17-05-2018 at 4.30 a.m., he got down from one bus, of Lakshmi Gayathri Travels coming from Hyderabad, at NTR Circle, near RTC Bus Stand, Guntur, and while going from NTR Circle to petrol bunk for an auto to go to Pedakakani, three unknown persons came from his back on one Pulsar motorcycle and pulled the bag from his hands which contains 33 gold coins worth of Rs.9,69,000/- and decamped with the booty. On the strength of the report, the police registered the above crime, issued F.I.R. and took up investigation.

3. The main ground urged in the present petition is that the petitioner was kept in illegal custody and on account of filing W.P.No. 19745 of 2018 for issue of writ of *habeas corpus* by the petitioner, a false case has been foisted against him.

4. As seen from the allegations made in the report which is the basis for setting criminal law into motion, a bag was snatched away from respondent No. 2 on 17-05-2018 at 4.30 a.m. at NTR Circle, RTC Bus Stand, Guntur. The petitioner along with two others was arrested on 13-06-2018 and recovered the booty. Thus, the basis for arrest of the petitioners is recovery of the booty contained in the bag which was stolen from respondent No. 2 and not the Writ Petition as contended by the petitioner. Therefore, I am unable to accept the

contention of learned counsel for the petitioner to quash the proceedings. The power of this Court under Section 482 of Cr.P.C. is limited and this Court can exercise such power only in exceptional circumstances where the complaint was lodged as an abuse of process of law or with a *mala fide* intention. In the case on hand, nothing was found to conclude that the complaint was lodged by respondent No. 2 to wreak vengeance against the petitioner as there was no earlier dispute between the former and the latter. Hence, I find no ground to quash the proceedings at this stage and the criminal petition is liable to be dismissed.

5. The criminal petition is accordingly dismissed. Pending miscellaneous petitions, if any, in this criminal petition shall stand dismissed in consequence.

Date: 13-08-2018.
JSK

M.SATYANARAYANA MURTHY, J.

