

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 8890 OF 2018

ORDER:

This petition is filed under Section 482 of Cr.P.C. by the petitioner-accused to quash the proceedings against him in C.C.No. 681 of 2017 on the file of the Court of Additional Judicial I Class Magistrate, Nuzvid, Krishna District, registered for the offences punishable under Sections 279 and 506 of IPC.

2. Respondent No. 2 lodged a written report with police on 09-08-2017 against the petitioner alleging that while he was returning to his house at about 4 p.m. on his scooter bearing No. AP 16 CQ 1217, the petitioner came from his behind by driving car bearing No. AP 16 CY 9927 and hit the bike from his rear side, as a result of which he fell down and that when he questioned, the petitioner threatened him to kill as he did not cooperate for entering into compromise and also abused him in filthy language. On the strength of the report, the police registered a case in crime No. 119 of 2017, issued FIR and took up investigation. During the course of investigation, the police examined and recorded statements of L.Ws.1 to 6 under Section 161 (3) of Cr.P.C. and having satisfied that there is *prima facie* material to proceed against the petitioner, charge sheet is filed for the offences referred *supra*.

3. The present petition is filed to quash the proceedings on the grounds that for the last one year, the petitioner has not been served any summons; that he is the President of PACCS and to spoil his political career in the ensuing mandal level elections, the present case is foisted and that the allegations made in the charge sheet do not disclose commission of any offence much less the above offences.

4. The basis for filing charge sheet is the statements of the witnesses and other material collected during investigation. The statements of respondent No. 2 and L.Ws. 2 to 4 disclose the acts committed by the petitioner *i.e.* driving car in rash and negligent manner, hitting the bike of respondent No. 2 from rear side and falling of respondent No. 2 on ground and the petitioner threatening to kill respondent No. 2 as the latter did not cooperate for compromise with the former and the same are supported by other witnesses. Thus, the material on record *prima facie* discloses commission of the above offences by the petitioner. When the material collected during investigation discloses commission of an offence *prima facie*, this Court cannot exercise power under Section 482 of Cr.P.C. since the power of this Court is limited and such power can be exercised only to implement the orders passed under the Code, to prevent abuse of process of the Court or to secure ends of justice. Hence, I find no ground to quash the proceedings and the petition deserves 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: 23-08-2018.

JSK

M.SATYANARAYANA MURTHY, J.