

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
CRIMINAL PETITION No. 10248 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code'), by the petitioner - accused Nos.2 and 3 viz., C. Usha @ Usha Rani and Palakala Kavitha, to quash the proceedings against them in Calendar Case No.339 of 2018, pending on the file of the learned V Additional Munsif Magistrate of First Class, Tirupathi, registered for the offences punishable under Sections 341 and 506 read with 34 of the Indian Penal Code, 1860 (for short 'IPC') on the ground that respondent No.2 also filed other report with Tiruchanur Police Station, which is subject matter of Calendar Case No.150 of 2015, pending on the file of the Principal Junior Civil Judge, Srikalahasti, registered for the offence punishable under Section 506 IPC, wherein respondent No.2 - *de facto* complainant admitted in his cross-examination about lodging of same report for the same incident and pendency of Calendar Case No.339 of 2018 on the file of the learned V Additional Munsif Magistrate of First Class, Tirupathi.

2. There is no dispute regarding pendency of two Calendar Cases, one before the learned V Additional Munsif Magistrate of First Class at Tirupati in C.C. No.339 of 2018, and the other is C.C. No.150 of 2015 pending on the file of the Principal Junior Civil Judge, Srikalahasti. The offences allegedly committed by the petitioners in C.C. 150 of 2015 are punishable under Section 506 IPC i.e. for Criminal Intimidation. The alleged incident took place on 06.03.2015 at about

10.00 a.m., while the *de facto* complainant was attending to his business work at Papanaidupeta village, whereas the incident in the present Calendar Case No.339 of 2018 allegedly occurred on 20.09.2014 and 03.03.2015 at about 2.00 p.m. at Srinivasa Kalyana Mandapam and at Padmavathipuram, tirupati Rural Mandal, respectively. The offences allegedly committed by the petitioners in C.C. No.339 of 2018 are punishable under Sections 341 and 506 read with 34 IPC. Therefore, the scene of offence, dates and time of offence in both the Calendar Cases are different, and merely because the *de facto* complainant made an admission about lodging the report with Tiruchanur Police Station, which is subject matter of C.C. No.339 of 2018, in C.C. No.150 of 2015, pending on the file of learned Principal Junior Civil Judge, Srikalahasti, is no ground to quash the proceedings, but at best, the petitioners may make appropriate application under Section 408 of the Code for withdrawal and transfer if advised, but on the ground that he admitted about lodging of report with Tiruchanur police based on the same incident is totally unbelievable, and that is not a ground for quashing the proceedings.

3. In view of the above observation, I find no ground to quash the proceedings at this stage. However, liberty is given to the petitioners to file appropriate application under Section 408 of the Code for withdrawal of any one of the Calendar Cases and transfer the same to one Court where the other Calendar Case is pending.

4. Accordingly, the present Criminal Petition is dismissed, at the admission stage itself.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Criminal Petition, stand closed in consequence thereto.

M.SATYANARAYANA MURTHY, J

September 26, 2018
Mgr

