THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.2497 OF 2017

ORDER:

This petition is filed by the petitioners-A4 to A7 under Section 482 Cr.P.C. to quash the proceedings in C.C.No.82 of 2016 on the file of the Judl. Magistrate of I Class, Jammalamadugu, YSR Kadapa District, which took cognizance of the offences punishable under Sections 341, 323 and 506 r/w 34 IPC.

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

3. Learned counsel for the petitioners would submit that no incident took place as alleged in the report, dated 28.01.2016. There is no criminal intimidation and wrongful restrainment. The petitioners did not abuse the de facto complainant and the allegations against the petitioners are false. Charge sheet is filed in this case in collusion with the police. There is no possibility for the de facto complainant to lodge a report with the police on 28.01.2016 as he was in meeting till 9.00 P.M., on that day. This complaint is lodged due to marital dispute between the sister of the de facto complainant and the younger brother of A1 and ultimately, prayed to quash the proceedings in C.C.No.82 of 2016.

4. On the other hand, learned Assistant Public Prosecutor opposed the same.

5. The material on record reveals that the de facto complainant-Shaik Mahaboob Basha is working as E-Divisional Manager in the office of Revenue Divisional Office, Jammalamadugu. On 28.01.2016 after lunch, when

he was going to office around 2.30 P.M., and when he reached the lane situated by the side of T.N.R. theatre, the petitioners wrongfully restrained him, abused him in filthy language and pressurized him to withdraw C.C.No.275 of 2012 lodged by his sister and also threatened him. The petitioners also threatened the de facto complainant that if the case is not withdrawn, they would cut his throat. There are specific allegations and overt-acts against all the petitioners that the manner how they assaulted the de facto complainant. There is specific mention in the report, dated 28.01.2016 that the de facto complainant sent SMS message to the police with regard to the commission of offence. He was in the meeting till 9.00 P.M., on that day. As per the endorsement made on the report, dated 28.01.2016, it was received by the police concerned at 9.00 P.M., on 28.01.2016. Basing on the report, criminal case was registered in Cr.No.12 of 2016 for the offences referred supra. The police after investigation, filed charge sheet.

6. As per the charge sheet, there are allegations with regard to commission of offence under Sections 341, 323 and 506 r/w 34 IPC. Medical Officer is also shown as witness in this case. In view of the specific overt-acts and allegations against the petitioners, it cannot be said that continuation of proceedings are abuse of process of law. The truth or otherwise of the allegations is required to be determined after due trial. This Court will exercise the powers under Section 482 Cr.P.C. in rare cases where the allegations do not constitute the offences. In view of nature of allegations, the trial has to go on. Therefore, it is not a fit case to quash the proceedings.

7. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 22-01-2018.
Hsd