

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.11595 of 2018

ORDER :

Heard. The *de facto* complainant must be arrayed, not arrayed and even to order, there is no basis to register the crime, for the following:

The petitioner is A.1 among three accused of Crime No.180 of 2018 of Habeebnagar Police Station, Hyderabad City, registered for the offence punishable under Section 116 read with 34 IPC. There is no substantive section of penal provision for which the alleged abetment committed even as per so-called disclosure statement of the accused persons from the apprehension on suspicious circumstances as can be seen from the said panchanama, dated 04.10.2018, it is mentioned that in September, 2018, A.2 made a disclosure of he received phone call from his uncle Osman (A.1) and informed him to come to hotel styled as Meena Grand located near Nampally Railway Station and because of his busy in routine works two days later he went to his uncle (A.1) supra and met at the hotel, who informed to insult one Khaja Moiz, a practicing Advocate at City Civil Court, Hyderabad, and resident of Gunfoundary, Abids, Hyderabad. He disclosed that his uncle got a land dispute with one Lingappa and the said Khaja Moiz, Advocate, appearing in the civil dispute for Lingappa. There is no any substantive offence made out under IPC to attract any abetment invoking Section 116 IPC and in the absence of any substantive offence, for which the alleged abetment to be made

out, there is no question of any abetment, thereby suffice to quash the F.I.R., however, it will not prevent from the General Diary entry already made to proceed by registered appropriate crime, if any.

2. Accordingly, the criminal petition is allowed quashing the proceedings against the petitioner/A.1 in F.I.R.No.180 of 2018 of Habeebnagar Police Station, Hyderabad City. The bail bonds of the petitioner/A.1, if any, shall stand cancelled.

Miscellaneous petitions pending, if any, shall stand closed.

22nd November 2018.

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Dr. B. SIVA SANKARA RAO, J

