

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.11157 of 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners to quash the proceedings in C.C.No.467 of 2016 on the file of VI Additional Junior Civil Judge, Guntur.

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

3. Learned counsel for the petitioners would submit that no alleged incident took place on 07.01.2016 at 04.30 p.m and in fact, the *de facto* complainant is the person, who outraged the modest of the 1st petitioner/A1 and for that reason she filed a report against the *de facto* complainant before the C.I. of Police, Gunturu for the offence punishable under Section 354 IPC. All the witnesses in the case are planted witnesses and ultimately prayed to quash the proceedings.

Learned Assistant Public Prosecutor opposed the same.

Learned counsel for the 1st respondent/*de facto* complainant would submit that the petitioners/A1 and A2 have committed the offence punishable under Section 332 read with 34 IPC. However, a false complaint was lodged against him for the offence punishable under Section 354 IPC. The police referred the complaint lodged against the 1st respondent/*de facto* complainant as false and learned Magistrate has taken cognizance. In the instant case, altogether PWs.1 to 5 were examined. The petitioners were also examined under Section 313 Cr.P.C. and C.C. was posted for judgment. The petitioners herein without any justifiable cause approached this Court just before pronouncement of

judgment and filed this false petition and ultimately prayed to dismiss the petition.

There is no dispute with regard to the examination of PWs.1 to 5 and C.C. is coming for pronouncement of judgment. As seen from the charge sheet there are number of witnesses, who supported the case of the prosecution as such C.C. is required to be disposed of on merits. The petitioners have not explained the delay in approaching this Court at the fag end of the trial of the case. The truth of the allegations made in this case and counter case can be decided only after due trial and pronouncement of judgments. Therefore, the criminal petition is devoid of merits and is liable to be dismissed.

In the result, the criminal petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

12.03.2018
kvrn

Dr. SHAMEEM AKTHER, J

