

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.13016 of 2016

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, to quash the proceedings in C.C.No.113 of 2016 on the file of Additional Judicial Magistrate of First Class, Sullurupet, SPSR Nellore District, wherein, cognizance was taken against the petitioner/accused for the offences under Sections 354-B, 323, 506 of I.P.C.

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

3. The learned counsel for the petitioner/accused would submit that there is dispute between the parties with regard to construction of bathroom by the de-facto complainant. In order to coerce the petitioner/accused, false report was lodged. Thereafter, on baseless allegations, charge-sheet is filed. No alleged incident took place. The allegations do not constitute offences under Sections 354-B, 323, 506 of I.P.C. and ultimately prayed to quash the proceedings.

4. The learned Assistant Public Prosecutor opposed the relief sought by the petitioner/accused.

5. As per the material placed on record, the de-facto complainant is 60 year old woman. L.W.2 is her younger son.

L.Ws.3 to 5 are the direct witnesses to the alleged commission of offence. On 16.12.2015, at about 12:30 PM, when L.Ws.3 to 5 were constructing the bathroom belonging to the de-facto complainant, the petitioner/accused reached there and objected for construction of the bathroom and raised a quarrel with the de-facto complainant. It is also alleged that the petitioner/accused beat the de-facto complainant with hands and legs and threatened her with a crowbar and asked the de-facto complainant to stop construction of the bathroom. There are also allegations of the petitioner/accused catching the saree of the de-facto complainant and pulling it. L.Ws.3 to 5 are the witnesses to the alleged commission of offence. They supported the case of the prosecution. Under these circumstances, it cannot be held that no alleged incident took place and that the petitioner/accused is an innocent person and continuation of proceedings is abuse of process of law. The innocence or otherwise of the petitioner/accused can only be determined after trial of the case. In view of the material on record, it cannot be held that the petitioner/accused is an innocent person and falsely implicated in the case. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

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

Dr. SHAMEEM AKTHER, J

07th March, 2018
Bvv