

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

CRIMINAL PETITION No.7874 of 2019

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to quash the proceedings in C.C.No.1905 of 2017 on the file of II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Kukatpally at Miyapur, registered for the offences punishable under Sections 394, 109 and 120(B) IPC.

2. The case of the prosecution, in brief, is that on 11.07.2012 in between 09.00 am and 09.15 am three unknown persons aged 20 to 25 years went to the house of the *de facto* complainant and enquired about her husband and when she about to talk with her husband over phone, the unknown persons went into the house and caught hold of her and assaulted her and caused injuries and confined her in the bath room and committed theft of gold ornaments and net cash of Rs.3,10,100/- and flee away.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State.

4. Learned counsel for the petitioner submitted that the police filed charge sheet, which contains omnibus allegations and that the said allegations are contradicting to one another. He further submits that there are no eye witnesses to the incident and if the petitioner put to ordeal of criminal trial, it would amount to abuse of process of law and hence, prayed to quash the proceedings against the petitioner.

5. Learned Additional Public Prosecutor opposed to quash the proceedings against the petitioner.

6. A perusal of the material available on record and having regard to the facts and circumstances of the case, there is *prima facie* material against the petitioner and nothing is found to say that there is abuse of process of Court or miscarriage of justice. Further, the police after thorough investigation filed the charge sheet. The truth or otherwise to the allegations will be proved during trial. Therefore, the criminal petition is liable to be dismissed.

7. Accordingly, the criminal petition is dismissed at the stage of admission.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

Date: 05.12.2019
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T. AMARNATH GOUD, J