

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.7945 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.2 to quash the proceedings in C.C.No.238 of 2018 on the file of XVI Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offences punishable under Sections 427, 448, 509 read with 34 of IPC.

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

3. The learned counsel for the petitioner/A.2 would submit that all the witnesses are relatives. No incident, as alleged, has taken place. The whole prosecution case is false and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed for the relief sought by the petitioner/A.2 contending that there are specific and grave allegations constituting offences punishable under Sections 427, 448, 509 read with 34 of IPC.

5. As seen from the material placed on record, there is specific mention in the statements of witnesses and in the First Information Report that on 07/08.03.2018, at about 00:45 hours, this petitioner/A.2, along with the other accused, trespassed into the flat of the de-facto complainant and made an

attempt to attack him, used abusive language, broken the windows, vessels etc. There are allegations constituting offences punishable under Sections 427, 448, 509 read with 34 of IPC. Therefore, it cannot be said that continuation of criminal proceedings against the petitioner/A.2 would amount to abuse of process of the Court. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. Hence, the Criminal Petition is dismissed.

Pending Miscellaneous Petitions, if any, shall stand closed.

19th March, 2019
Bvv

Dr. SHAMEEM AKTHER, J

