

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.4552 of 2014

ORDER :

The notices sent more than twice irrespective of track record showing delivery unreliable. The returned covers address clearly shows same address furnished in the charge sheet. The notices taken returned unserved as insufficient address even Door No.20-7-266 clearly mentioned and again another cover as 'NSP' may be to mean 'no such person'. Thereby, for no other address furnished to take notice to some other address, taken as sufficient address.

2. The petitioners are A.4 and A.5 among six accused in C.C.No.25 of 2014 pending on the file of the XVI Additional Chief Metropolitan Magistrate, Hyderabad, and the learned Judge has taken cognizance for the offences punishable under Sections 452 and 324 read with 34 IPC, out come of Crime No.93 of 2013 of Shalibanda Police Station, dated 30.06.2013, which is out come of the report of the 2nd respondent. The accusation against them right from F.I.R. with investigation material including from the charge sheet citing (8) witnesses, including LW.8-Investigating Officer and LW.7, who treated and issued medical certificates to LWs.1 and 2 i.e., the *de facto* complainant and other injured, who are brothers, besides LW.3 cited as eye witness, LWs.5 and 6, panch witnesses to the seizure of iron rod from A.1 and LW.4 is the circumstantial witness, that accused persons, who are residents of House No.20-7-266, whereas the *de facto* complainant and LW.2 are residing at House No.20-7-265 and

20-6-206 respectively in Fathedarwaza, Hyderabad, who are neighbours, having a drainage dispute and on that fateful day i.e., 30.06.2013, at about 1230 hours when the *de facto* complainant and the other injured/LW.2 were standing at the place of drainage working by GHMC Department officials, all the accused persons i.e, A.1 to A.6 came and quarrelled with the *de facto* complainant and LW.2 and abused them in filthy and after that LWs.1 and 2 went inside their house. Then accused persons i.e., A.1, A.2, A.3 and A.6 kept in mind with intention to pick up quarrel, trespassed into the house of the *de facto* complainant and A.1 and A.2 brought iron rods and A.3 to A.6 followed them and when entered the house of LW.1, A.3 and A.6 caught hold of LW.2 and A.2 beat LW.2 with iron rod on his head and neck, due to which he received bleeding injuries, meantime LW.1 tried to save LW.2, but A.1 got angry and beat him on his head and neck, from which he also received bleeding injuries and for the hue and cry of LWs.1 and 2, the accused persons fled away therefrom, but for A.4 and A.5, who are the petitioners herein, stated came and beat with hands LW.1 and lady members of the family and thereby trespassed into the house of LWs.1 and 2 after preparation to cause voluntarily injuries with iron rod with common intention and thereby liable for the offences.

3. In the quash petition it is the contention that the petitioners/A.4 and A.5 are girl students, hardly of 18 years, each having long career and they are purposefully implicated, if at all for any occurrence

between the *de facto* complainant, LW.2 with A.1 and A.2 mainly and thereby the continuation of proceedings by roping them to mark their career is nothing but an abuse of process of law and the proceedings are liable to be quashed.

4. Notice sent to the 2nd respondent as referred supra returned unserved is a sufficient service and taken as heard the 2nd respondent and heard the learned Public Prosecutor, representing the State, and perused the material on record.

5. From the averments including from the statement of witnesses, it is alleged A.1 and A.2 beat LWs.1 and 2 with iron rods. A.3 and A.6 caught hold of LW.2 for A.2 beat LW.2. So far as the petitioners/A.4 and A.5 concerned, but for simply saying all allegedly trespassed, there is no specific overt act against them in the so-called attack by A.1 and A.2 against LWs.1 and 2. It is however added by saying all accused fled away making unbelievable further as to A.4 and A.5, who are the petitioners, then again came and beat LW.1 with hands. Having regard to the above, there is basis in the submission of the learned counsel for the petitioners that these petitioners spinsters, being girl students, hardly of 18 years, to their roping or implicating along with other accused to settle their scores without justification. Having regard to the above, ends of justice are more important than mere enforcement of law. To sub-serve the ends of justice, by taking consideration of the petitioners are girl students, hardly of 18 years,

and there is no sustainable accusation from what is referred supra against them to put the up ordeal of trial for ultimate acquittal.

6. Accordingly, the criminal petition is allowed by quashing the proceedings against the petitioners/A.4 and A.5 in C.C.No.25 of 2014 on the file of the XVI Additional Chief Metropolitan Magistrate, Hyderabad, which no way confer any benefit to other accused. The bail bonds of the petitioners/A.4 and A.5, if any, shall stand cancelled.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

6th February 2019

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