

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9834 of 2018

ORDER :

The petitioner is A4 among five accused of Crime No.45 of 2018, dated 30.01.2018 of the 2nd respondent/*de facto* complainant, registered by the Station House Officer, Chaitanyapuri Police Station, Rachakonda, Ranga Reddy District, for the offences punishable under Section 448, 323, 290, 354 read with 34 IPC, after investigation, the police filed final report on 12.03.2018, from which the learned XI Metropolitan Magistrate, Cyberabad, L.B.Nagar taken cognizance for the offences supra against the accused persons, for which the person impugned is seeking to quash the proceedings.

Notice issued to the 2nd respondent returned unclaimed is a sufficient service and taken as heard.

Heard learned counsel for the petitioner/A2 and learned Public Prosecutor. Perused the material available on record.

From the very report registered as crime supra and from the police final report covered by the investigation by sighting seven witnesses including the investigating officer of which LW.1 is the complainant, LW.2 is the mother of LW.1-*de facto* complainant is the so called eye witness so also LWs3 and 4.

However, coming to the reading of the police final report with reference to the statements right from FIR there is practically no trespass for Ananthula Karnakar Reddy no other than the father of LW.1-*de facto* complainant and husband of LW.2 even any persons came along more particularly for the reason that the house where

the *de facto* complainant and his mother no other than the wife of A1-Ananthula Karnakar Reddy are residing.

So far as the civil dispute covered by the First Appeal No.1912 of 2003 ended in disposal on merits by judgment dated 04.01.2016 including for any claim, out come of some compromise that was against the *de facto* complainant A.Sai Sreyas Reddy, his sisters etc. that cannot be a basis to say that it is predominantly a dispute of civil nature, but for to consider whether any of the other offences under Section 323, 290 and 354 IPC attracts or not.

From the very FIR and the police investigation, A1 and A2 among others entered into the house after opening the *de facto* complainant and pushed his mother and abused his mother etc for which any use of criminal force is included in the very offence under Section 354 IPC, but for that there is nothing to show any offence of voluntarily causing simple hurt under Section 323 IPC there is no public nuisance to attract the offence under Section 290 IPC defined under Section 268 IPC.

Having regard to the above by left open all defences as to how far the offence under Section 354 IPC sustainable to face trial, the cognizance order so far as attracting the offences under Sections 448, 323 and 290 IPC are quashed and to that extent the criminal petition is allowed and the defence is left open.

Accordingly, the criminal petition is partly allowed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

28.01.2019
kvrn