

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12244 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.7 seeking to quash the proceedings in S.C.No.678 of 2018 on the file of II Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, wherein the petitioner/accused No.7 along with other accused are being prosecuted for the offences punishable under Sections 307, 148 and 342 read with 149 I.P.C

2. Heard the learned counsel for the petitioner/accused No.7 and the learned Additional Public Prosecutor appearing for the 2nd respondent-State. Perused the record.

3. Learned counsel for the petitioner/accused No.7 would submit that the petitioner/accused No.7 is a bank employee (cashier) and the alleged offence took place around 1:00 AM on that day; that this petitioner/accused No.7 was in the bank discharging his duties; that the Bank Manager has also given a certificate to that effect. He further submits that there is no truth in any of the allegations made against this petitioner/accused No.7 and ultimately, prayed to allow the application.

4. The learned Additional Public Prosecutor opposed the application and contended that there are specific allegations against this petitioner/accused No.7 about beating the 1st respondent-*de facto* complainant along with other accused in this

case; that there are allegations of commission of offence around 6:00 PM, after bank hours and ultimately, prayed to dismiss the application.

5. In view of the submissions made by learned counsel for the petitioner/accused No.7 as well as the learned Additional Public Prosecutor, the point for determination is whether the request of the petitioner/accused No.7 can be considered as prayed for?

6. As seen from the record, the 1st respondent-*de facto* complainant is a business man running LED factory under the name and style of MSF Deccan Traders at Dubai. Accused No.1, Sohaib Zaffar is pressurizing the 1st respondent-*de facto* complainant to transfer the factory in his favour. In that process, there is allegation that on the evening of 06.11.2017, this petitioner/accused No.7 along with other accused took the 1st respondent-*de facto* complainant to the factory situated at Hayathnagar around 1700 hours and beat him with an iron rod on his head and other parts of the body, due to which he sustained bleeding injury. The accused also removed the tooth of the 1st respondent-*de facto* complainant with cutting plier. There is also specific allegation that this petitioner/accused No.7 also threatened the 1st respondent-*de facto* complainant stating that the 1st respondent-*de facto* complainant shall not lodge report to police.

7. As per the record, the offence took place around 1700 hours on 06.11.2017. In the course of investigation also, the presence of the petitioner/accused No.7 is established. Therefore, it is difficult to hold that the petitioner/accused No.7 is not one among the other accused and he did not commit the alleged offences. The certificate given by the Bank Manager is of no help to the petitioner/accused No.7.

8. Therefore, continuation of proceedings against the petitioner/accused No.7 for the offences punishable under Sections 307, 148 and 342 read with 149 I.P.C. are not abuse of process of law. The application is devoid of merit and is liable to be dismissed.

9. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if, any, pending in this criminal petition shall stand closed.

Dr. SHAMEEM AKTHER, J

MARCH 27, 2019
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Date:27.03.2019

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