

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.1886 of 2006

ORDER :

This Criminal Revision Case is filed by the petitioner/complainant against the order dated 10.10.2006 in CrI.M.P.No.3341 of 2006 in C.C.No.730 of 2003 on the file of learned II Metropolitan Magistrate, Cyberabad, Ranga Reddy District, Hyderabad, registered for the offence under Sections 323, 448, 452 and 506 read with 34 of IPC.

2. Heard. Perused the record.

3. A perusal of the record would reveal that the respondent/Accused Nos.1 to 4 barged into the house of the petitioner/complainant, beat his wife and also abused her. On the basis of the said complainant, the same was instigated and police filed charge sheet alleging trespass and beating. Discharge application was filed by the respondent/accused Nos.1 to 4. Learned Magistrate found that the respondent/accused No.2 was not at all present in India, as such the question of participating in the trespass does not arise. Further names of

respondent/accused Nos.3 and 4 were not mentioned regarding their participation. A complaint in C.C.No.85 of 2001 on the file of Judicial First Class Magistrate, Chilkalorpeta, was filed against the petitioner herein. As a counter blast to the said complaint, a false case was filed against the respondent Nos.1 to 4. Further, the learned Magistrate found that Section 452 of IPC was added only to save the limitation as the other offences attract only 323 and 506 of IPC.

4. The learned Magistrate allowed the discharge application of the respondent/accused Nos.1 to 4 on two grounds. Firstly, the names of respondent/accused Nos.3 and 4 were not mentioned regarding their participation. Secondly, the respondent/accused No.2 was not even in India on the date of the incident i.e., on 16.06.2000. It is clear that this case is a counter blast to CC.No.85 of 2001.

5. Further, learned Magistrate found that there is civil litigation between the petitioner/complainant and the respondent/accused Nos.1 to 4 herein.

6. Having perused the grounds and discharge order passed by the learned Magistrate, this Court is of the view that falsity was

evident on the facts of the case and accordingly discharged. Hence, I do not find any infirmity or any other circumstances in the order dated 10.10.2006 in Crl.M.P.No.3341 of 2006 in C.C.No.730 of 2003 on the file of learned II Metropolitan Magistrate, Cyberabad, Ranga Reddy District, Hyderabad, to interfere with the discharge.

7. Accordingly, the Criminal Revision Case is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

28.12.2022
gms

K.SURENDER, J

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