

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE THIRTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 1454 OF 2023

Between:

BolugumVenkatesh @ Anoop, S/o B. Ravinder, A/a 29 years, Occ. Business,
Villa No.136, My Home Ankura Gated Community, Ramachandrapuram,
Tellapur, Hyderabad, Telangana

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by Public Prosecutor High Court of Telangana, Hyderabad.
2. Swapna Battu, W/o Shiva Kumar, A/a 29 years, Occ. Housewife, R/o 15-16-16, Dwaraka Nagar, Khammam Urban, Khammam, Telangana.

...RESPONDENT/DEFACTO COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash all further proceedings of the FIR in 20 of 2023 on the file of Police Station Khammam 2 Town, Khammam District against Accused, by call for records.

I.A. NO: 2 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Stay all further proceedings in FIR/Cr. No. 20 of 2023 on the file of Police Station Khammam 2 Town, Khammam District including appearance and arrest of the petitioner, pending disposal of the Criminal Petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri ASAD HUSSAIN, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No. 1 and for the Respondent No. 2 none appeared in person or by Advocate.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.1454 OF 2023****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused to quash the proceedings against him in FIR No.20 of 2023 pending on the file of Station House Officer, Khammam II Town Police Station, Khammam District, filed for the offences punishable under Sections 294-B, 323, 509 and 506 of Indian Penal Code (for short "IPC").

2. Heard learned counsel for the petitioner – Accused and learned Additional Public Prosecutor for the respondent – State. Perused the material on record.

3. The 2nd respondent – *de facto* complainant filed a complaint stating that this petitioner had abused her in offensive language and beaten with hands and the crime was registered for the aforesaid offences.

4. Learned Additional Public Prosecutor would submit that though the FIR was registered for the offences stated above, an alteration memo was filed in the Court stating that the offence under Section 326 of IPC is made out.

5. As seen from the complaint, there was an altercation in between the neighbours which led to fight and receiving injuries by 2nd respondent and also the mother-in-law of petitioner.

6. To attract an offence under Section 326 of IPC, the hurt must have been caused voluntarily by means of any instrument used for stabbing, shooting, cutting or any instrument which can be used as a weapon and is likely to cause death.

7. Admittedly, the petitioner was attending a function, when the fight ensued, as such the ingredients under Section 326 of IPC are not attracted.

8. For the said reason and since there was no premeditated or preplanned act of the petitioner to attack on the 2nd respondent and the incident happened in the spur of the moment between the neighbours, this Court deems it appropriate to direct the

Investigating Officer in respect of FIR No.20 of 2023 pending on the file of Station House Officer, Khammam II Town Police Station, Khammam District, to conclude investigation without taking any coercive steps against the petitioner - accused. Further, the petitioner - Accused shall co-operate with the Investigating Officer as and when required for the purpose of investigation.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- L. SIVA PARVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Khammam 2 Town Police Station, Khammam
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
3. One CC to SRI. ASAD HUSSAIN, Advocate [OPUC]
4. Two CD Copies

VH

✓

HIGH COURT

KS, J

DATED: 13/02/2023



ORDER

CRLP.No.1454 of 2023

DISPOSING OF THE CRIMINAL PETITION

⑦
RM
20/2/23