

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

**FRIDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 2601 OF 2017

Between:

KURAPATI RAMA CHARY, KHAMMAM DIST., S/o Kotaiah R/o Buddaram,
Village of Nelakondapally, Khammam District.

...PETITIONER

AND

1. THE STATE OF TS, Rep. by Public Prosecutor, High Court at Hyderabad, Hyderabad.
2. Bonthala Satyanarayana., S/o, Occ S.I of Police, Nelakondapalli Police Station, Nelakondapally, Khammam District, State of Telangana.

...RESPONDENTS/COMPLAINANTS

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 set aside the orders dt. 22.02.2017 passed by the Learned Principal Sessions Judge at Khammam in CrI.RP No. 81 of 2015 in SR No. 2237 of 2014 and consequently direct the Judicial Magistrate of 1st Class Special Mobile Court at Khammam to restore S.R.No.2237 of 2014 which was dismissed on 3rd August 2015.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri NAGESHWARA RAO PAPPU ,Advocate for the Petitioner and the Public Prosecutor, Rep. by E. Ganesh, (TG/AP) on behalf of the Respondent No. 1 and of Sri Bondempally Ramulu, (NA), Advocate for the Respondent No. 2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL**CRIMINAL PETITION No.2601 OF 2017****ORDER:**

This Criminal Petition is filed seeking to set aside the order dated 22.02.2017 in CrI.R.P.No.81 of 2015 in S.R.No.2237 of 2014 on the file of the learned Principal Sessions Judge, at Khammam (for short, "the appellate Court") and consequently direct the learned Judicial First Class Magistrate, at Khammam (for short, "the trial Court") to restore S.R.No.2237 of 2014 which was dismissed on 03.08.2015.

2. Heard Mr.Nageshwara Rao Pappu, learned counsel for the petitioner and Mr.E.Ganesh, learned Assistant Public Prosecutor appearing for respondent No.1-State.

3. The brief facts of the case are that on 29.08.2014 at about 06:30 P.M., the petitioner/complainant lodged a complaint with the Police, Nelakondapally with regard to the offence of Criminal Assault committed by Thota Venkateswarlu, Linganiaboina Gopi @ Gandrai Gopi and Mellacheruvu Satyam, when he questioned their actions in allowing their Sheep and Goats to graze paddy and sugarcane fields. The said complaint was received under a receipt by the Assistant Sub-Inspector of Police and referred the

complainant to the Hospital. The Nurse in the Hospital gave first-aid to the complainant and asked him to come on the next day. But on the next day, the complainant could not meet the Doctor as he found the presence of Thota Venkateswarlu, his father and Lingaboina Gopi and he took the treatment on the next day. On 30.08.2014, the Sub-Inspector of Police, Nelakondapally, who is the accused herein called the complainant to the Police Station and asked him to reveal about the incident. It is stated that without listening to the narration of the complainant, the accused abused the complainant and beat him with a belt while A.Gurunadham, the Ex-Sarpanch, who accompanied Thota Venkateswarlu were waiting in the Varandah of the Police Station. Basing on the said facts, the complainant filed the Private Complaint against accused for the offences under Sections 323, 500 and 506 of I.P.C.

4. The trial Court vide order dated 03.08.2015 in S.R.No.2237 of 2014 dismissed the complaint stating that a delay of four (4) months had occurred in filing the complaint and that the complaint is silent with regard to the said delay. Aggrieved by the same, the petitioner preferred a Revision before the appellate Court.

5. The appellate Court, vide impugned order, dismissed the Revision. Assailing the same, the petitioner filed this Criminal Petition seeking to quash the impugned proceedings.

6. Learned counsel for the petitioner contended that Section 197 of Cr.P.C. has no application to the facts and circumstances of the case and both the Courts, without considering the said fact, have erroneously dismissed the complaint filed against respondent No.2. Therefore, he seeks to quash the impugned proceedings.

7. Learned Assistant Public Prosecutor submitted that both the Courts, upon careful scrutiny of the material available on record rightly dismissed the complaint and the interference of this Court is unwarranted. Therefore, he seeks to dismiss the Criminal Petition.

8. The appellate Court, upon careful scrutiny of the material available on record, found that there are material contradictions in the evidence of PWs.1 and 2. According to PW1, the hurt was caused to the left palm, whereas the statement of PW2 shows that the hurt was caused on the back of PW1. Except allegations of causing hurt no substantial piece of evidence is filed to support the version of the complainant. The appellate Court

observed that the allegations made against the accused were in discharge of his official duty and such allegations required to be scrutinized by the sanctioning authority before prosecution is alleged against the Public Officer and hence, the appellate Court dismissed the Revision.

9. There are no grounds much less valid grounds to interfere with the impugned order passed by the appellate Court and hence, this Criminal Petition is liable to be dismissed.

10. Accordingly, this Criminal Petition is dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

//TRUE COPY//

Sd/- V. KAVITHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Pri. Sessions Judge, Khammam.
2. One CC to SRI. NAGESHWARA RAO PAPPU Advocate [OPUC]
3. One CC to THE PUBLIC PROSECUTOR (TG), HIGH COURT, HYD [OUT]
4. Two CD Copies

Bj

HIGH COURT

DATED:27/09/2024

ORDER

CRLP.No.2601 of 2017



DISMISSING THE CRL.P.

⑥
21/11/24
LB