

(2023) 02 TEL CK 0004
In the Telangana High Court
Case No : Criminal Petition No. 1327 Of 2020

A. Purushotham Reddy

APPELLANT

Vs

State Of Telangana And Another

RESPONDENT

Date of Decision : 02-02-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 448, 506
Code Of Criminal Procedure, 1973 — Section 482
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)(x)

Citation : (2023) 02 TEL CK 0004

Hon'ble Judges : K.Surender, J

Bench : Single Bench

Advocate : Sunita Mondal

Final Decision : Allowed

Judgement

1. This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioner/A2 to quash the charge sheet in C.C.No.584 of 2015 in Crime No.114/2013, pending on the file of X Additional Chief Metropolitan Magistrate at Secunderabad. The offences alleged against the petitioner are under Sections 448, 506, 323 r/w.34 of the Indian Penal Code.

2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The case of the 2nd respondent is that this petitioner and Accused No.1 criminally trespassed into the premises at TRT Quarters, Seetaphalmandi in Quarter No.101 in the ground floor. The complainant/2nd respondent was staying in the very same complex in Quarter No.101 and Accused No.1 and his family were staying in Quarter No.102 above the quarter No.101. The complainant was carrying on construction work without consent from Accused No.1 who was in the quarter above her and for the said reason, Accused No.1 and this petitioner allegedly questioned regarding the construction work that was being carried on

by the 2nd respondent. Accused No.1 questioned about the said construction and there was an argument regarding the alterations being made. During the said argument, there was pushing for which reason, the complainant fell down and sustained injuries on her left leg. Regarding the said incident, two complaints were filed. The present complaint was registered as Crime No.114/2013 registered for the offences under Section 448, 506, 323 r/w.34 of the IPC and Crime No.113/2013 registered for the offence under Section 3(i)(x) of the SC & STs (POA) Act, 1989.

4. Learned Counsel appearing for the petitioner would submit that the petitioner is a practicing advocate and he has nothing to do with the differences between the complainant and Accused No.1. Only for the reason of the petitioner being counsel of Accused No.1, he was falsely implicated. Even according to the complaint there is no allegation that this petitioner had either abused or pushed the complainant, for which reason, the proceedings against this petitioner have to be quashed. He further submits that the petitioner filed a suit in OS.No.97/2013 on the file of XI Junior Civil Judge, City Civil Court at Secunderabad, against the 2nd respondent for illegal construction in the common space and obtained injunction against her. For the said reason, she has falsely implicated the counsel/petitioner.

5. On the other hand learned Public Prosecutor submits that case and counter cases regarding the very same incident are pending and it is desirable that both the cases are tried together. Since the presence of the petitioner is also mentioned during the said altercation which resulted in the incident and filing of two complaints, proceedings against the petitioner cannot be quashed.

6. A perusal of the charge sheet and other statements filed along with the charge sheet, the petitioner was allegedly present when the incident had taken place. It is not mentioned that this petitioner had in any manner pushed or assaulted the complainant when the alleged incident had taken place. It is also not mentioned that this petitioner had abused anyone including the complainant during the said incident. Admitting that this petitioner was present at the scene, mere presence will not attract the criminal offences. The said incident had taken place in the presence of others for the reason of illegal construction being carried on by the 2nd respondent/complainant, even according to the investigation. Further, the 2nd respondent fell and received injuries for which reason, the Police deleted the offence under Section 323 of the Indian Penal Code. Merely, mentioning that petitioner was present at the incident, will not attract any of the ingredients of the offences alleged.

7. In view of the above, this Criminal Petition is allowed and the proceedings against the petitioner/A2 in C.C.No.584 of 2015 in Crime No.114/2013, pending on the file of X Additional Chief Metropolitan Magistrate at Secunderabad, are hereby quashed.

Miscellaneous petitions, if any pending, shall stand closed.