

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

CRIMINAL PETITION No.530 of 2022

ORDER:-

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") is filed seeking quash of F.I.R in Crime No.330 of 2021 of Devanakonda Police Station, Kurnool District.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are A-1, A-3 and A-4 in Crime No.330 of 2021 of Devanakonda Police Station, Kurnool District. On a report lodged by the 2nd respondent, who is the *de facto* complainant, that the petitioners have attacked him and beat him and also outraged the modesty of his wife, a case in the above crime for the offences punishable under Sections 341, 323, 324, 354, 506 r/w 34 IPC was registered against the petitioners. The said case is now under investigation.

Learned counsel for the petitioners would submit that the petitioners have lodged a report with police against the 2nd respondent and as the same was not registered as an F.I.R that they approached the Superintendent of Police and on his directions, the F.I.R was registered against the *de facto* complainant and that thereafter the *de facto* complainant lodged the present report with a delay of 30 days and as such the allegations ascribed against the petitioners are all false and that the petitioners are falsely implicated in this case. Learned counsel for the petitioners sought for quash of the F.I.R on the aforesaid ground.

Learned Additional Public Prosecutor opposed the Criminal Petition. He would submit that there are clear allegations in the

F.I.R regarding the way in which the petitioners have beat the *de facto* complainant and outraged the modesty of his wife and as such the matter requires investigation to find out the truth or otherwise of the said allegations. So, he would pray for dismissal of the Criminal Petition.

As can be seen from the contents of the F.I.R, there are clear allegations that the petitioners have beat the *de facto* complainant and also his wife and a clear allegation of outraging the modesty of wife of the *de facto* complainant was also made. These allegations *prima facie* constitute offences punishable under Sections 341, 323, 324, 354, 506 r/w 34 IPC for which the F.I.R was registered. Therefore, the matter requires investigation to find out the truth or otherwise of the said allegations. The mere fact that after the case was registered against the petitioners on the report lodged by the *de facto* complainant that the present report was lodged against them as a counter blast by itself cannot be a ground to quash the F.I.R. Whether the allegations are false or not and whether the report was lodged as a counter blast to the report lodged by the *de facto* complainant or not is the matter to be ascertained by the Investigating Officer during the course of investigation. Therefore, there are no valid legal grounds emanating from the record warranting interference of this Court under Section 482 Cr.P.C to quash the F.I.R at this stage.

Resultantly, the Criminal Petition is dismissed.

Miscellaneous petitions, if any pending, in the Criminal Petition, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date: 09.02.2022
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