

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

CRIMINAL PETITION No.409 of 2023

ORDER:

The petitioners are accused Nos.1,2, 4 to 7 in C.C.No.463 of 2022 on the file of I Additional Judicial Magistrate of First Class, Adoni, for the offences under Sections 323, 341 read with Section 34 of Indian Penal Code.

2. The complaint against the petitioners was that there was an altercation on 02.06.2020, in which the petitioners are said to have assaulted the *de facto*-complainant and his relatives. A charge sheet has been filed after investigation in the case and the Trial Court has taken cognizance of the said charge sheet.

3. The petitioners have approached this Court to quash the said case on the ground that it was the petitioners who had been assaulted by the *de facto*-complainant and others and that they had filed the first complaint in crime No.81 of 2020 before the very same police station under Section 324 read with Section 34 of Indian Penal Code along

with Section 3(1)(r) & 3(1)(s) of SC & ST Prevention of Atrocities Act, 1989.

4. Sri R.Ramanjaneyulu, learned counsel appearing for the petitioners would submit that the complaint filed by the *de facto*-complainant is a false complaint and the investigating officer without verifying the facts has simply filed a charge sheet setting out the allegations made in the complaint.

5. He submits that in view of the said facts, this Court would have to intervene in the matter and quash the said case.

6. A perusal of the charge sheet as well as the petition filed before this Court shows that there was an altercation on 02.06.2020. The question of whether the altercation leads to any offence set out in the charge sheet and the question of whether it was the petitioners who were the victims or whether it was the petitioners who were the assaulters are questions of fact and it could not be determined by this Court in proceedings under Section 482 of Cr.P.C.

7. In the circumstances, this Criminal Petition is dismissed leaving it open to the petitioners to raise all their contentions before the Trial Court.

Miscellaneous petitions, pending if any, in this petition shall stand closed.

R. RAGHUNANDAN RAO, J

23.01.2023
RKS