

Chittappa and ors. Vs. the State

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Court : Karnataka

Decided On : Mar-21-2001

Reported in : 2001CriLJ3555

Judge : K. Sreedhar Rao, J.

Acts : Code of Criminal Procedure (CrPC) , 1974 - Sections 482; Indial Penal Code (IPC), 1860 - Sections 114, 143, 147, 148, 149, 323, 324, 352, 353, 355, 504 and 506

Appeal No. : Criminal Petn No. 893 of 2001

Appellant : Chittappa and ors.

Respondent : The State

Advocate for Def. : G. Bhavani Singh, Govt Pleader

Advocate for Pet/Ap. : G. Shivakumar, Adv.

Disposition : Petition dismissed

Judgement :

ORDER

K. Sreedhar Rao J.

1. This petition is filed under Section 482, Cr.P.C. seeking quashing of the F.I.R. registered in Cr.No. 172/2000 on the file of Jagalur Police Station. The petitioners contended that one Rathamma and Bhagymma along with others assaulted the first petitioner on the ground that he had informed to the press people about the incident of rape alleged to have been committed by one Manjunatha. The said incident took place on 17-10-2000 at 9.00 a.m. in Magadi village. The police registered the case in Crime No. 163/2000 for the offences punishable under Sections 143, 147, 148, 504, 114, 323, 324, 353, 355 and 506 r/w Section 149, IPC. The investigation is said to be pending. On the same day at 2.30 p.m. on the complaint of Rathamma, a case is registered in Crime No. 172/2000 on the file of Jagalar police station against the petitioners alleging that they have indulged in acts of assault against Rathamma and Bhagyamma and committed offences punishable under Sections 323, 324, 352 and 355 r/w Section 149, IPC. The contents of FIR relating to Crime No. 172/2000 on 17-10-2000 at 2.40 p.m. Rathamma and her daughter Bhagyamma after purchase of ration when they were standing at N.M.C. Hotel, the petitioners formed themselves into an unlawful assembly, came and assaulted Bhagyamma and Rathamma and at the intervention of the persons named in the FIR, the said accused have been saved and on the basis of the FIR lodged by the respondent, the police have registered the case in Crime No. 172/2000.

2. It is the contention of the petitioners that the lodging of FIR in Crime No. 172/2000 actuated with malice and as a counterblast to the complaint lodged by the first petitioner, a false case is set up. The counsel for the petitioners submits that the entire version set out in the complaint of Rathamma is false and therefore, liable to be quashed.

3. After hearing the counsel for the petitioners and the learned S.P.P. for some time. I feel the petition lacks merit and no relief can be granted. There is nothing illegal on the part of the police registering the FIR when a commission of cognizable offence is reported. The mere fact that earlier to the FIR in question, a FIR was lodged by the first petitioner cannot be a sole basis to disbelieve the veracity of the contents in Crime No. 172/2000. The cases have now been registered and the police have taken up investigation and it is only in the process

of investigation, the truth would be revealed. It is not proper and possible to appreciate the correctness or otherwise of the contentions raised by the petitioner at this stage, which is very premature. Whatever, the contentions, raised are purely factual in nature. Unless the investigation is complete and police file the final report, it cannot be said at this stage whether the averments in the FIR of Crime No. 172/2000 is false or otherwise. Therefore, under the circumstances, the petition is dismissed.

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