

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2748 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in crime No.41 of 2015 on the file of the Dachepalli Police Station, Guntur District, registered for the offences under Section 307 IPC read with Section 34 IPC.

Heard and perused the material.

Learned counsel for the petitioners submits that there is no injury on the complainant and if the complainant is really aggrieved, he should have lodged the complaint on the same day, but there is an inordinate delay of five days in lodging the complaint. Hence, he prays this Court to quash the proceedings against the petitioners herein.

Learned Public Prosecutor submits that the delay in lodging the complaint is not a ground to quash the proceedings and as such, prays this Court to dismiss the criminal petition.

Considering the rival submissions, this Court is of the view that the petitioners may approach the Court below for grant of anticipatory bail since the points raised by the learned counsel for the petitioners are necessarily to be tried by the Court below while considering the application seeking grant of anticipatory bail.

The Criminal Petition is accordingly disposed of. Miscellaneous Petitions filed in this Criminal Petition, if any, shall stand closed.

JUSTICE RAJA ELANGO

08.03.2016
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