

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL PETITION No.12574 of 2011

ORDER:

The present Criminal Petition is filed by the petitioners, who are accused Nos.2 & 3, to quash the proceedings in Crime No.124 of 2011 of Gollaprolu Police Station, East Godavari District, registered for the offence punishable under Sections 324 & 506 IPC read with Section 34 IPC.

2. The facts of the case are that the second respondent herein lodged a complaint on 31-10-2011 before the Sub-Inspector of Police, Gollaprolu Police Station stating that the petitioners herein and their father, who is A1, came to his house and threatened the womenfolk in the house. When the second respondent entered into the house, the first accused bet him on his head with a stick causing bleeding injury. As far as the petitioners herein are concerned, who are A2 & A3, they bet the second respondent with sticks on his left hand and on the back side of the thigh, whereby he sustained injuries. Immediately he went to the police station and lodged a complaint and in pursuance of which, the present crime is registered.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

4. The petitioners in the Criminal Petition would contend that they are not residing in their village and they are prosecuting their courses. However, the second respondent, with a view to settle his personal scores against their father, impleaded them in the crime. That apart, the petitioners herein specifically stated that they are

not present in the village when the dispute has taken place. The contentions raised in the criminal petition indicate that the incident is not disputed and looking into the specific allegations made against the petitioners as well as A1, this Court is of the opinion that it is not a fit case for quashing, more particularly when the crime is at the investigation stage. Therefore, this Court feel that the investigation may be completed as early as possible, preferably within a period of three months from the date of receipt of a copy of this order and file charge sheet. However, it is made clear that in case, the investigating officer require the presence of the petitioners, he can resort to the procedure as contemplated under Section 41 (A) of the Criminal Procedure Code as per law.

5. With the above said observation, the criminal petition is disposed of.

6. As a consequence, miscellaneous petitions pending consideration, if any, in this Criminal Petition, shall stand closed.

Date: 12-10-2017
mrh

JUSTICE P. KESHA RAO