

THE HONOURABLE Dr.JUSTICE B. SIVA SANKARA RAO

Criminal Petition No.7096 of 2017

ORDER :

Heard the learned counsel for the petitioner/ Accused in Cr.No.155 of 2017 on the file of the III Town Police Station, Khammam and also the learned Public Prosecutor representing the 1st respondent-State and notice ordered to the 2nd respondent with acknowledgment was received but failed to attend is taken as heard and perused the grounds urged in the quash petition and the First Information Report and also the interim order of this Court dt.17.08.2017 which reads as follows:-

“While ordering notice to the 2nd respondent by personal service and to file proof, from hearing of the petitioner/accused and also the learned Public Prosecutor representing the State and for more than three months unexplained delay to suspend the complaint from the contention of the same is abuse of process, though the complaint shows the averments requiring the ingredients, there shall be stay of further investigation for a period of two months.

List for hearing on 15.09.2017”.

From perusal of the material on record, leave about the other contentions of no independent witness to state anything of the incident happened allegedly, not in the public view including any presence of the staff for not necessary to go into that aspect but there is unexplained delay of more than three months from the alleged occurrence to the date of report as observed in the interim order supra. Thereby to subserve the ends of justice, it is suffice to quash the proceedings against the petitioner.

Having regard to the above and in the result, the Criminal Petition is allowed by quashing the proceedings in Cr.No.155 of

2017 on the file of the III Town Police Station, Khammam, and he is acquitted and his bail bonds stands cancelled. Consequently, pending miscellaneous petitions, if any, shall stand closed.

Date:24.10.2017
vvr

Dr. B.SIVA SANKARA RAO J,

