

THE HON'BLE SMT. JUSTICE T.RAJANI

CrI.P.No. 2672 of 2011

ORDER:

This petition is filed for quash of the proceedings in Crime No. 35 of 2011 of P.S.Vinukonda, Guntur district. The offences alleged are under Sections 324, 506 and 509, read with Sec.34 of the Indian Penal Code.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor. None appears for the 2nd Respondent in spite of notice.

3. The background facts to the complaint, as submitted by the petitioner's counsel and as reflected in the complaint, are that while granting divorce between the complainant and the 1st petitioner, the Court provided visiting rights for the 1st petitioner to visit their child. The complainant avers that she has been complying with the Order of the Court and subsequently she changed her residence to Vinukonda due to the financial concerns and the petitioners were intimated about the change of address. The petitioners as such went to her house on 20.02.2011 and started abusing her with un-parliamentary language.

4. There are specific allegations that Accused No.1 armed with a camera, came upon the complainant and beat her indiscriminately with the said camera at the instance of Accused

No.2; then Accused No.2 kicked with her leg on the stomach of the complainant, as a result of which she fell on the ground.

5. Hence, in the light of such specific allegation, the contention of the petitioners' counsel that the complaint is an afterthought and hence there is a delay of five days in lodging the complaint cannot be considered. The delay has been explained by the contents of the complaint itself, wherein it is stated that after the incident, the complainant joined in a hospital and police came there and recorded her statement, but no action was taken on the said statement. Hence, the delay in lodging the complaint stands explained and does not support the contention that the complaint is an afterthought.

6. In the light of the above, it is not a fit case to quash the FIR. However, the police are directed to follow the guidelines laid down by the Supreme Court in *Arnesh Kumar vs. State of Bihar & Another*¹ for the arrest of the petitioner.

7. In the result, the criminal petition is dismissed. Interim stay granted on 25.03.2011 in CrI.P.MP.No.2802 of 2011 by this Court stands vacated. As a sequel, the miscellaneous applications pending, if any, shall stand closed.

T.RAJANI, J.

28th November, 2017
Kv

¹ (2014) 8 SCC 273