

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2581 OF 2017

ORDER:

The present petition is filed under Section 482 of the Criminal Procedure Code, 1973 (for short, 'the Code') requesting to quash the First Information Report in Crime No.313 of 2016 of Bhimili P.S., Visakhapatnam District.

2. The petitioner, who is arraigned as accused No.1 in the aforesaid crime, alleged to have committed the offences punishable under Sections 447, 489, 506 read with Section 34 of I.P.C.

3. Heard Sri S.V.S.S. Siva Ram, the learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

4. The main submission of the learned counsel for the petitioner has been the very fact that the complaint was lodged with inordinate and unexplained delay of 3 days is sufficient to belie the allegations in the complaint lodged by the 2nd respondent/ *de facto* complainant herein.

5. The learned counsel has also referred to the factual aspect in other Crime No.311 of 2016 against the petitioner herein, but it is unnecessary to refer to those allegations made by the complainant therein by name Vangara Satya Venkata Bhaskara Rao, site in-charge of Sukhibhava Real Estate Private Limited, as they were elaborately

dealt with in the other criminal petition being Criminal Petition No.2580 of 2017, which is disposed of today i.e., 3.4.2017. The complaint contains *prima facie* allegations that the petitioner along with 30 persons trespassed into the land belonging to the *de facto* complainant and removed the boundary stones and then when started removing plants, the persons who were assisting him in watching and warding the subject land by names Saragada Veerubabu, Koyya Bhagya Lakshmi and when asked the same, they threatened the *de facto* complainant and others abused.

6. The submissions of the learned counsel that there has been three days delay in lodging the complaint can only be gone into during either investigation or trial in case charge-sheet is laid by the investigating officer. It is not as though the complainant cannot explain away the delay and he gets the opportunity when the matter reaches trial stage. There is no merit in the present petition.

7. Hence, the Criminal Petition is dismissed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition shall stand closed.

Dt. 03.04.2017
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A. SHANKAR NARAYANA, J