

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9736 OF 2017

ORDER:

Heard learned counsel for the petitioners/A1 and A2 of Crime No.264 of 2017 of P.S.Bhupalapalli, Jayasankar Bhupalapalli District (Warangal District), registered for the offences punishable under Sections 323 and 324 IPC and Section 3(1)(r) of SC/ST POA Amended Act, 2015 and also heard the learned public prosecutor, representing the 1st respondent – State, before ordering notice to 2nd respondent – defacto complainant.

2. Perused the grounds urged in the quash petition and the contents of the FIR.

3. There is force in the contention of the counsel for the petitioner that the FIR dated 16.09.2017, from the report of the 2nd respondent – defacto complainant at 16.00 hrs for the alleged incident on 11.09.2017 at about 12.00 noon and later till evening at 06.30 p.m., at three different places, is outcome of deliberations and consultations to implicate by converting a boundary civil dispute between the petitioners owner, who is neighbour to the accused petitioners herein. It is also the contention that there is no public view mentioned from the report about anybody witnessed the occurrence.

4. Having regard to the above, though there is nothing to interdict the investigation, however, there shall be stay of arrest pending investigation. Needless to say that, this order will not prevent the police to secure the presence of the petitioners as and when required for purpose of investigation.

5. Accordingly and with the above direction, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

24.10.2017
SS

DR.B.SIVA SANKARA RAO, J

