

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.10040 of 2017

ORDER:

Heard learned counsel for the petitioners/accused Nos.1 to 3 in crime No.364 of 2017 of Alipiri Police Station, Tirupathi Urban District, registered for the offences punishable under Sections 323 & 355 r/w 34 IPC and Sections 3(1)(r) & (s) and 3(2)(va) of SC & ST (POA) Act and also learned Public Prosecutor representing the State and before ordering notice to the 2nd respondent-complainant and perused the grounds urged in the quash petition and the report given by the 2nd petitioner herein against the defacto complainant and others and it is preceded by call made to the police to number 100 on 14.09.2017 and the association of the apartment also reported to the police on 20.09.2017 received where it is also referred about the present crime given by the watchman falsely against the accused persons. It is also therefrom the contention that as counter blast to the report given by the 2nd petitioner herein against the defacto complainant and others with association secretary, this case is foisted. Any how it is a matter for investigation and it is premature to go into the merits of the matter.

Having regard to the above, the Criminal Petition is disposed of directing the police to proceed with the investigation, but shall not arrest the petitioners pending investigation. However, this will not prevent the police to secure the presence of the petitioners for the purpose of investigation. All defence of the accused is left open.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 26.10.2017
ska

