THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.2657 OF 2018

ORDER:

Heard learned counsel for the petitioners/A.1 and A.2, learned Assistant Public Prosecutor for 1st respondent-State and perused the record.

2. This petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.166 of 2017, Gudivada Taluk Police Station, Krishna District, registered for the offences punishable under Sections 448, 427, 323 and 290 read with Section 34 IPC.

3. Learned counsel for the petitioners would submit that on 13.12.2017, the de facto complainant and others attacked the petitioners and their family members and caused injuries to them. A.1 was immediately shifted to the hospital on that day around 9:35 hours. There is a medical record to show the same. Thereafter, a false case is foisted against them. No alleged incident took place. Report was given on 21.12.2017. There is a delay of more than one week and ultimately prayed to allow the petition.

4. Learned Assistant Public Prosecutor opposed the relief sought by the petitioners. There is a counter case between the parties.

5. The dispute between the parties is a boundary dispute of house. The record shows that petitioner/A.1 was hospitalized on 13.12.2017 around 9.35 A.M., the same is mentioned in the photo copy of the slip, its original is said to be issued by the medical officer of Area Hospital, Gudivada, that A.1 was assaulted. To establish the truth or otherwise do require investigation.

6. The investigating officer is directed to complete the investigation and file final report without arresting the petitioners/A.1 and A.2.

7. With the above direction, the Criminal Petition is disposed of.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

05th March, 2018.
ssp