

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.6463 OF 2011

ORDER:

In this petition, filed under Section 482 Cr.P.C., the petitioners/A1 to A7 seek to quash proceedings against them in Crime No.54 of 2011 of Achanta Police Station, West Godavari District, registered for the offences under Section 324, 354 r/w 34 IPC.

2. The allegations briefly are that on 24.07.2011 at about 06.00 pm., when the defacto complainant was proceeding to a kirana shop beside the wall of one Guttuala Ranga Rao, A1 to A3 came there and questioned her as to why she was proceeding through their site and so saying A1 pushed her aside and thereafter A2 and A3 pulled her saree and insulted her. When she raised cries, Guttula Lakshmi and Guttula Ram Sita came there and lifted her. In the meanwhile, A4 to A6 came and bet her. The witnesses Lakshmi and Ram Sita rescued her and brought back to home. Hence, the complaint.

3. Denying the complaint allegations as false and motivated, learned counsel for petitioner, Sri V.Nageswara Rao, would submit that the instant complaint is in fact a counter blast to the complaint given by one Seelam Lakshamma, who is the family member of the petitioners, against the family members of the defacto complainant

herein. The complaint given by said Seelam Lakshamma was registered as Crime No.55 of 2011 by the police of Achanta Police Station for the offences under Sections 448, 323, 324, 354, 506 r/w 34 IPC. The said Seelam Lakshamma was beaten by the family members of the defacto complainant in this case and her statement was recorded in the hospital and in the matter of registration of FIR, it was so happened that her case was registered as Crime No.55 of 2011, whereas, the instant case was registered as Crime No.54 of 2011. Learned counsel would submit that it is only to wriggle out of the complaint lodged by Seelam Lakshamma, the instant complaint was lodged by Guttula Venkata Lakshmi with all false averments. He thus prayed to quash the proceedings.

4. Learned additional public prosecutor opposed the petition submitting that both the cases are in the nature of case and counter and therefore, the investigation has to be proceeded with to know the truth.

5. As can be seen from the allegations and counter allegations in Crime Nos.54 and 55 of 2011, it appears that both the families are disputing over a site. The incident in both the cases appeared to have occurred on the same date, place and time. Hence, they assume the character of case and counter. In that view, the investigation shall lead to

logical conclusion to unearth the truth to find out whose version is a truthful one.

6. Therefore, the investigating officer is directed to complete the investigation in both the cases expeditiously and file the report. Having regard to the nature of the case, the investigating officer is directed not to arrest the petitioners A1 to A7, during the course of investigation, if they are already not on bail. The petitioners shall cooperate with the investigating agency for smooth completion of investigation.

7. This criminal petition is disposed of with the above directions. Miscellaneous petitions pending consideration, if any, in this case shall stand closed as a consequence.

25.07.2018
SS

U.DURGA PRASAD RAO, J

