

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.7197 of 2018

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioners/A1 and A2 seek to quash the proceedings against them in Crime No.242 of 2018 of Choutuppal PS, registered for the offences under Sections 457, 324 r/w 34 IPC.

2a) The brief facts of the complaint are that the complainant since last six months is staying in his relative—V.Raju's house. On 04.06.2018 at about 3.30 AM, some unknown persons tried to open the doors forcibly and on hearing the sounds, he came out from the bed room. The unknown persons were wearing masks (kerchief) to cover their faces. When he questioned about the same, they attacked him and beat him with sharp objects. Then, the complainant ran into the bath room and closed the doors. As he raised shouts, the assailants went away.

b) The complainant further stated that earlier he went to USA and stayed for six months. Since after his return to India, his wife i.e. A1 quarrelling with him and seeking divorce and divorce case is pending in the Court. She is now staying with A2 a resident of Yellandu and complainant apprehends that the accused might have made an attempt on him on that night.

Investigation is reported to be pending.

3) Learned counsel for petitioners would submit that except imagination there is no truth in the allegations made in the complaint and the complainant unnecessary implicated the petitioners in the case.

4) Learned Additional Public Prosecutor opposed the petition.

5) Whether some unknown persons made an attempt on the complainant or as apprehended by him whether A1 and A2 had a hand in the attack can be determined after thorough investigation. Therefore, investigation shall lead to its logical conclusion. However, the allegations which at this stage, are based only on the apprehension of the complainant, the Investigating Officer shall scrupulously follow the guidelines rendered by the Hon'ble Apex Court in *Arnesh Kumar vs. State of Bihar*¹ and shall also follow the procedure contemplated under Section 41-A Cr.P.C during the course of investigation towards the petitioners/A1 and A2. In turn, the petitioners/A1 and A2 shall cooperate with the investigating agency for smooth completion of investigation.

6) Accordingly, this Criminal Petition is disposed of.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 11.07.2018

Note: Issue CC by tomorrow.

(b/o)
Murthy

¹ AIR 2014 SC 2756