

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

CRIMINAL PETITION No.11829 OF 2018

ORDER:

The petitioners are accused 1 to 8 of Crime No.329 of 2018 of Ameenpur Police Station of Sanga Reddy District, registered for the offences punishable under Sections 448, 380, 323, 504 & 506 read with 34 of the Indian Penal Code (for short, "IPC") on 20.09.2018 for the alleged occurrence on 16.09.2018 at 18.00 hours with more than three days delay with no explanation, no doubt, for the delay and it is one of the contentions of the learned counsel for the petitioners in the quash petition that it is nothing but a counter blast to Section 498-A IPC case filed by the wife, who is the 1st petitioner against her husband, the *de facto* complainant herein, among others in Crime No.176 of 2018, dated 16.07.2018, pending with Woman Police Station, Begumpet, Hyderabad. It is also one of the contentions of the delay is fatal, whereas it is the submission of the learned counsel for the *de facto* complainant that it is premature to go into those matters when the report is registered as a crime and investigation is at nasal stage without ascertaining the true facts.

2. Heard and perused the material on record.

3. No doubt there is no substance with any allegation other than against the wife in the contents of the report, but for mentioning in the subject names of all the accused as 1 to 8 with omnibus allegations, as if all to presume as trespassed on 16.09.2018 at 6.00 p.m. and as if altogether taken the gold ornaments, silver items, cash amount of Rs.2,00,000/- and other

valuable items without even specifying what item taken and where from taken, leave about who has taken. However, this Court is not readily chosen to quash the FIR, despite all the infirmities, but for to direct the Police to investigate and not to arrest the petitioners, pending investigation to complete at any cost within two (02) months. Further remedies of the petitioner left open.

3. With these observations, the Criminal Petition is disposed of.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

Date: 24th January, 2019

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