

HON'BLE SRI JUSTICE SAMUDRALA GOVINDARAJULU

CRL.PETITION NO.3101 OF 2010

Date:31.03.2010

Between:

Kalpureddy Ram Mohanreddy and others

.....Petitioners

And:

The State of A.P., rep. by Public Prosecutor, High Court of AP and another

.....Respondents.

HON'BLE SRI JUSTICE SAMUDRALA GOVINDARAJULU

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ORDER:

The petitioners 1 to 5 are the accused/respondents in C.C.No.122 of 2009 on the file of IV Metropolitan Magistrate, Ibrahimpatnam, Cyberabad. The 2nd respondent/*defacto*-complainant is working as Lecturer in Vivekananda Junior College, Ibrahimpatnam. There are disputes between the 2nd respondent and his wife. It is alleged that since the time of marriage, his wife was harassing the 2nd respondent on every petty issue and that they were living separately since 10.11.2008. The offence is stated to have taken place on 13.08.2009 at about 2.30 p.m at the college premises. It is alleged that the petitioners 1 to 5 picked up quarrel with the 2nd respondent, scolded him in filthy language, caught hold of his collar and beat him with hands due to petty issues and that during the course of this incident, the 2nd respondent sustained simple injuries. Report of this incident was given by the 2nd respondent to the police on 19.08.2009. After making entry in General Diary of the Police Station and obtaining permission from the Magistrate, the police took up

investigation in this case for offences under Sections 323 and 290 IPC and filed charge sheet after investigation.

It is contended by the petitioners' counsel that there is inordinate delay of six days in giving report by the 2nd respondent to the police on the incident. It is also contended that this report is given by the 2nd respondent out of vengeance because of disputes between himself and family members of the petitioners. The petitioners are no other than father, sister-in-law, co-brother-in-law of the 2nd respondent's wife. In the charge sheet, the police cited Principal of Vivekananda Junior College as one of the eye witness to the occurrence, after examining him during investigation. Therefore, it is a matter for evidence to find out truth or otherwise of the occurrence and whether the case was lodged due to vengeance or personal rivalry. The delay in giving F.I.R also is an aspect which has to be considered by the trial court while appreciating evidence of the *defacto*-complainant and eye witness who are going to be examined during trial. This Court in a petition under Section 482 Cr.P.C cannot embark into that enquiry. There are no merits in this petition.

Accordingly, the petition is dismissed.

SAMUDRALA GOVINDARAJULU,J.

Date:31.03.2010.

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HON'BLE SRI JUSTICE SAMUDRALA GOVINDARAJULU

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