

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2074 of 2015

ORDER :

The petitioners, who are accused Nos.1 and 2 in Crime No.295 of 2013 of Nagarampalem Police Station, Guntur Urban, filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in the above crime registered for the offences punishable under Sections 506, 509, 324 r/w Section 34 IPC and Sections 3(1)(x) & (xi) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The case of the prosecution is as under:

On 11.07.2013 the informant lodged a report stating that his sister (the 1st petitioner) borrowed a sum of Rs.16 lakhs from his aunt by name Kunduru Shantha Kumari. As the cheque issued by the 1st petitioner towards repayment of the loan amount got dishonoured, the informant's aunt filed a case before the Court and the same is pending. The 1st petitioner and his husband (the 2nd petitioner) demanded the informant to withdraw the case, failing which, threatened him with dire consequences. On 11.07.2013 when the informant along with his wife went to Court in order to help his aunt, the petitioners are alleged to have abused his wife by touching her caste apart from beating her. When the informant came to the rescue of his wife, the 2nd petitioner is alleged to have beat the informant with a stone. Basing on these allegations, the above report came to be lodged.

Heard learned counsel for the petitioners and learned Public Prosecutor for the respondent-State.

A perusal of the material placed on record would

disclose that the 1st petitioner herein lodged a report dated 12.05.2011 against the prosecution party which came to be registered as Crime No.157 of 2011 of Pattabhipuram Police Station, Guntur Urban, for the offences punishable under Sections 406 and 420 IPC. It is stated by the learned counsel for the petitioners that as a counter blast to the said case, the present report came to be lodged on 11.07.2013. It is also not in dispute that the informant herein is none other than the brother of the 1st petitioner and there were some disputes between them. Having regard to the circumstances stated above and as the offences alleged are punishable with imprisonment of not less than seven years, the Investigating Agency shall scrupulously follow the conditions stipulated in Section 41 Cr.P.C. and also the judgment of the Apex Court in ***Arnesh Kumar v. State of Bihar and another***^[1] before taking any coercive steps against him.

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

JUSTICE C. PRAVEEN KUMAR

19th March, 2015
cbs

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[\[1\]](#) 2014 (2) ALT (CrI.) 457 SC