

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.13943 OF 2016

ORDER:

The present petition is filed to quash F.I.R.No.62 of 2016, dated 29.03.2016, of P.S. Hanuman Junction, Krishna District.

2. The petitioners, who are figuring as accused Nos.4 and 5, respectively, in the aforesaid crime, alleged to have committed offences punishable under Sections 417 and 376 (2) (n) I.P.C. and Section 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Learned counsel for the petitioners would submit that there is no allegation connecting the complicity of the petitioners herein, either in the complaint or in the statement of the daughter of the *de facto* complainant recorded under Section 164 Cr.P.C. by the concerned Magistrate. According to the learned counsel, the statement would refer to only accused Nos.1 to 3, who were already arrested and sent for judicial remand.

4. Learned Public Prosecutor opposed the request.

5. The case is at investigation stage. Unless the investigation is completed, there cannot be any chance for the investigating agency to arrive at whether the offences levelled against the present petitioners are without any material or otherwise, to file a final report against them. At this stage, it is difficult to hold that there is no material at all

against the petitioners, so as to quash the F.I.R. However, only one factor weighs with the present petitioners, that being, in Section 164 Cr.P.C. statement, made by the daughter of the *de facto* complainant, only the names of petitioners have been referred to, but not the details of overt acts relating to them.

6. Be that as it may, only to the extent of arrest of the petitioners by the investigating agency is stayed, subject to condition that they shall appear as and when the investigating agency summons them to appear for interrogation purpose.

7. Accordingly, the Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

September 29, 2016.
MD

A. SHANKAR NARAYANA, J