

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.3831 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/A-6 in Crime No.7 of 2016 on the file of I Town Police Station, Narsaraopet, Guntur District registered for the offences punishable under Sections 323, 354 read with Section 34 IPC and Sections 3 (1) (x)(xi) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Heard and perused the material available on record.

The offences alleged against the petitioners are punishable under Sections 323, 354 read with Section 34 IPC and Sections 3 (1) (x)(xi) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

A reading of the material on record would reveal that specific overt acts attributable to the petitioner/A-6 have been made in the complaint constituting the alleged offences. Whether the petitioner/A-6 has committed the alleged offences or not is matter to be decided during the course of investigation and the same cannot be decided at the crime stage.

Having regard to the facts and circumstances of the case and in view of the nature of offences alleged against the petitioner/A-6 are serious in nature, this Court is not inclined to interfere with the proceedings against the petitioner/A-6. However, in view of submission of the learned counsel for the petitioner that the petitioner/A-6 is apprehending arrest due to pendency of the

above crime, the police concerned is directed to complete the investigation without arresting the petitioner/A-6 and file final report in accordance with law. In the event of necessity, the police concerned are at liberty to issue a notice to the petitioner/A-6 for the purpose of investigation and on receipt of such notice the petitioner/A-6 shall appear before the police and cooperate with the investigating agency. In the event of failure on the part of the petitioner/A-6 to appear before the police on receipt of such notice, the police are at liberty either to arrest the petitioners/A-6 or to approach this Court, as the case may be, for recalling the present order.

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

RAJA ELANGO, J

Date: 28-03-2016

-
Ksn