

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.15641 OF 2016

ORDER:

This Criminal Petition is Filed under Section 482 of Cr.P.C. to quash the proceedings in Cr.No.331 of 2016 of Kurnool III Town Police Station. Kurnool District, for the offences punishable under Sections 420, 506 read with 34 of I.P.C. and Sections 3 (1) (r) (s) of Scheduled Castes and Scheduled Tribes (P.O.A.) Act.

The defacto complainant lodged a complaint with the police alleging that petitioners abused her in filthy language raising her caste name when she went to house of the petitioners and demanded payment of Rs.65,746/-.

It appears from the allegations made in the complaint that dispute is with regard to non-payment of value of the goods supplied on credit.

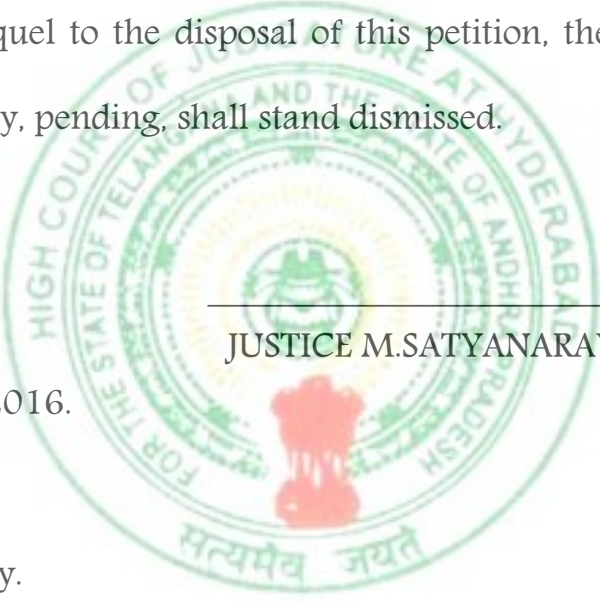
However, the allegation that the petitioners abused the defacto complainant raising her caste name, such act would attract the offences punishable under Section Sections 3 (1) (r) (s) of Scheduled Castes and Scheduled Tribes (P.O.A.) Act.

However, the apprehension of the petitioners is that there is every likelihood of their arrest in connection with the above crime, in such circumstances, I deem it appropriate to direct the police to follow Section 41-A of Cr.P.C. and guidelines of apex Court.

Accordingly, this Criminal Petition is disposed of directing the police to follow the procedure as contemplated under Section 41-A of Cr.P.C. and the guidelines laid down by the Supreme Court in *JOGINDER KUMAR v. STATE OF UTTER PRADESH AND OTHERS* ⁽¹⁾ and *ARNESH KUMAR v. STATE OF BIHAR AND ANOTHER* ².

It is directed that further investigation in this crime shall not go on.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.



JUSTICE M.SATYANARAYANA MURTHY

Dated 3-11-2016.

Dvs.

Note:

Issue C.C.today.

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¹ 1994 CrI.L.J.1981

² 2014(8) SCALE 250

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Dated 3-11-2016.

Dvs