

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7529 of 2017

ORDER :

Heard learned counsel for the petitioners/accused Nos.1 to 3 of Crime No.79 of 2017 of Medipalli Police Station, Jagtial District, registered for the offence punishable under Section 506 IPC on 10.07.2017 and also learned Public Prosecutor representing the State- 1st respondent before ordering notice to the 2nd respondent-*de facto* complainant and perused the grounds urged in the quash petition and F.I.R.

2. A perusal of the F.I.R. shows the alleged incident taken place mainly on 22.06.2017 and the report was dated 10.07.2017. Though it is referred as if there is another incident dated 05.06.2017 at the time when there was an abuse and not even 05.07.2017. Apart from, even to that there is a delay. However, the fact remains none of the ingredients of Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short, 'SC/ST Act') have application to the facts since there is no public view. But, if at all Section 3(1)(f) of the SC/ST Act and Section 506 read with Section 3(2)(V) of the SC/ST Act and even none of these offences are punishable above seven years.

3. Having regard to the above, nothing to interdict the investigation in relation to the facts, if at all there is any requirement of arrest pending investigation, the police strictly follow Section 41-A

and the guidelines of the Apex Court in **Arnesh Kumar v. State of Bihar**¹.

4. With the above observation, the criminal petition is disposed of.
5. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

7th September 2017.

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¹ (2014) 8 SCC 273