

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9491 of 2017

ORDER :

Heard learned counsel for the petitioner/ A4 of Crime No.153 of 2017 of Keesara Police Station, Rachakonda District, registered for the offences punishable under Sections 363, 342, 506 r/w 34 I.P.C. and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act') and the learned Public Prosecutor representing the State before ordering notice to respondent No.1/de facto complainant.

The allegations in the report are that the son of the de facto complainant/ 1<sup>st</sup> respondent was kidnapped by some unknown persons and as per the remand report A1 and A2 are the main persons. It is appearing from the contentions raised in the quash petition that there are money transactions between A1 and A2 on the one hand and husband of the de facto complainant on the other and there were earlier exchange of notices even. Though it is the contention of false implication there from, a perusal of the material shows that the petitioner/ A4 along with A3 brought the car, in which he kidnapped victim, who was taken away by A1 and A2. Hence, there is nothing to interdict the investigation, much less, to admit the Criminal Petition.

Having regard to the above, the Criminal Petition is disposed of, directing the Police if at all any arrest of the petitioner is required, they have to follow Section 41-A Cr.P.C. and the guidelines of the Apex Court as laid down in Arnesh Kumar v. State of Bihar<sup>1</sup>, as none of the offences are punishable above seven years.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Date:11-10-2017

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Dr. B. SIVA SANKARA RAO, J



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<sup>1</sup> (2014 (2) ALT (GrI.) 457 SC)

