

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

Crl.P.M.P.No.2139 of 2012

IN/AND

CRIMINAL PETITION No.4459 of 2011

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., by the petitioners/A.1 to 7 to quash the proceedings in Crime No.64 of 2011 of Madikonda Police Station, Warangal District, registered for the offences punishable under Section 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes (POA) Act, 1989 and Sections 447, 297 and 323 IPC.

2. The petitioners are accused Nos.1 to 7 in the aforesaid Crime. The 2nd respondent-*de facto* complainant filed a report on 19.05.2011 before the Sub-Inspector of Police, Modikonda Police Station, Warangal District, stating that he along with three others purchased land admeasuring Ac.3-27 gutas in Survey No.374/A, situated at Kadipikonda Village from one Puli Swamy and others under a registered sale deed bearing Document No.651/2011. When the petitioners and others alleged to have threatened the 2nd respondent stating that the petitioners have got right to purchase the said property, the 2nd respondent filed suit O.S.No.205 of 2011 on the file of Court of II Additional Senior Civil Judge, Warangal and obtained injunction order in I.A.No.229 of 2011 against the petitioners. Even after obtaining the injunction order, the petitioners are interfering with possession of the 2nd respondent and others. On 12.05.2011 at about 8:00 A.M., when the 2nd respondent

and others were digging pits for erecting fencing, the petitioners came to the spot and alleged to have abused them in filthy language in the name of their caste and beat the 2nd respondent and others with hands.

3. Learned counsel for the petitioners submitted that this Court granted stay of arrest of the petitioners in the year 2011, the said order may be continued till disposal of Sessions Case.

4. Learned counsel for the 2nd respondent and the learned Public Prosecutor submitted that the petitioners are not entitled for stay of arrest at this length of time. Learned counsel for the 2nd respondent further states that he had already filed vacate stay petition in the year 2012 and the same is pending.

5. Considering the facts and circumstances of the case, since the criminal petition is of the year 2011 and this Court granted stay of arrest of the petitioners, the request of the petitioners to continue the stay till disposal of the Sessions Case cannot be considered as further investigation has been stalled because of stay of further proceedings. Therefore, CrI.P.M.P.No.2139 of 2012 is allowed and the interim stay granted by this Court on 14.06.2011 is hereby vacated.

6. Since the case is at the stage of further investigation, police shall follow the procedure contemplated in Section 41-A Cr.P.C., and complete the investigation by following the

guidelines of Judgment of the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar and another***¹.

7. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

GUDISEVA SHYAM PRASAD, J

OCTOBER 09, 2017

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¹ 2014 (2) ALT (Cr.) 457 (SC)

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Date: 09.10.2017

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