

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8090 of 2017

ORDER:

Heard learned counsel for the petitioner/accused No.3 in crime No.15 of 2017 of Khanapur Police Station, Nirmal District, registered for the offences punishable under Sections 364, 365, 302, 201 r/w 34 IPC and Section 3(2)(v) of SC & ST (POA) Act, and also learned Public Prosecutor representing the State and before ordering notice to respondent No.2-defacto complainant and perused the grounds urged in the quash petition and also the FIR and the remand report of A.1 and A.2 and by showing the petitioner/A.3 in abscondence by disclosing he is screening the cell phone information about the alleged offence under Section 302 IPC, punishable under Section 201 IPC.

A perusal of Section 201 IPC shows for such offence under Section 302 IPC screening of evidence is punishable under Section 201 IPC up to 7 years imprisonment.

Having regard to the above the investigation is at the nasal stage, there is nothing to interdict the investigation.

Having regard to the above, the Criminal Petition itself is disposed of without prejudice to all available defence of the accused, however, by making clear in the event of necessity of arrest, the police should follow strictly Section 41-A Cr.P.C. and guidelines of the expression of the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹.

¹ 2014 (8) SCC 273

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 06.09.2017
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