

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION Nos.6487 and 6562 OF 2017

COMMON ORDER:

Both the Criminal Petitions are filed under Section 482 Cr.P.C by the petitioners/ accused, seeking to quash the proceedings in Crime Nos.94 and 95 of 2017 respectively on the file of Draksharama Police Station, East Godavari District.

Heard learned counsel for the petitioners and learned Public Prosecutor appearing for the State, before ordering notice to respondent No.2/de facto complainants in the respective criminal petitions.

Crime No.94 of 2017 was registered on the report of one J.Satyanarayana, Village Revenue Officer, for the offences punishable under Sections 384, 341, 506 r/ w 34 I.P.C. In fact, the very averments in the F.I.R. on the report of the Village Revenue Officer show that the accused waylaid the traffic by doing dharna on the main road obstructing the road not heeding the request of police, which attracts only Section 341 I.P.C. for nothing to attract Sections 384 or 506 I.P.C.

Coming to Crime No.95 of 2017, which was registered on the report of one K.Satyanarayana, who is the so called cultivator of land admeasuring Ac.1.00 cents situated at Survey No.46/ 2 of Vengayammmapeta Village, for the offences punishable under Sections 447, 427, 506 r/ w 34 I.P.C. for the alleged trespass, mischief and criminal intimidation against *de facto* complainant, a reading of the F.I.R. *prima facie*, makes out, thereby, for this Court at the nasal stage, there is nothing to interfere with the investigation or to admit the Criminal Petition.

Having regard to the above, CrI.P.No.6487 of 2017 is allowed in part quashing F.I.R.No.94 of 2017 insofar as the offences under Sections 384 and 506 I.P.C. only, by retaining Section 341 r/ w 34 I.P.C. It is needless to say, the police in the course of investigation found any other offence that can attract, got the right to add the same. CrI.P.No.6562 of 2017 is disposed of, directing the police, if at all required any arrest of the petitioners, they have to follow Section 41-A Cr.P.C. and Arnesh Kumar v. State of Bihar¹

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 31-07-2017
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¹ (2014 (2) ALT (CrI.) 457 SC)