

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7055 OF 2017

ORDER:

The petitioners are A2 and A3, no other than mother and brother of A1. Based on the report of the defacto complainant, Crime No.58 of 2017, dated 01.08.2014, was registered on the file of P.S.Pedanandipadu, for the offences punishable under Sections 376, 420, 419, 506, 509 r/w 34 IPC.

2. Heard learned counsel for the petitioners and also the learned public prosecutor, representing for the 1st respondent – State, before ordering notice to the 2nd respondent and perused the FIR and the grounds urged in the quash petition.

3. As rightly contended by the learned counsel for the petitioners, there is no offence of Section 376 IPC, but for against A1, so far as A2 and A3 concerned.

4. Having regard to the above and as the investigation is at nasal stage, subject to that observation, there is nothing for this Court to interdict the investigation and thereby this criminal petition is disposed of with the observation that if at all in the event of any necessity of arrest of the petitioners, the police shall strictly follow Section 41A of Cr.P.C. and the guidelines laid down by the Hon'ble Apex Court in **Arnesh**

Kumar Vs. State of Bihar¹, for other offences are punishable up to 7 years.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

11.08.2017
SS



¹ 2014 (5) SCC 324