

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6640 of 2017

ORDER:

This Criminal petition is filed by the petitioners/ A1 to A3 seeking to quash the proceedings in Crime No.126 of 2017 of Prathipadu Police Station, East Godavari District, registered for the offences punishable under Sections 447, 354(B), 506 r/w 34 I.P.C. and Section 3(1)(S)(W), 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 (for short 'the Act').

Heard learned counsel for the petitioners/ A1 to A3 and learned Public Prosecutor representing the State, before ordering notice to the 2nd respondent/ de facto complainant and perused the F.I.R. and also the grounds urged in the quash petition.

A perusal of the very report attracts if not Section 3(1)(S)(W) at least Section 3(2)(Va) of the Act besides the I.P.C. offences referred supra.

Having regard to the above, there is nothing for this Court to admit the quash petition or to interdict the investigation, but for, while disposing of Criminal Petition, without prejudice to the available defences and other remedies, if at all any arrest of any of the petitioners required, the police shall strictly follow Section 41-A Cr.P.C. and the guidelines of the Apex Court as laid down in Arnesh Kumar v. State of Bihar¹, as none of the offences punishable supra, are below seven years.

Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 02.08.2017
pab

¹ (2014 (2) ALT (Cr1.) 457 SC)