

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

CRIMINAL PETITION No.9734 OF 2017

ORDER:

Heard learned counsel for the petitioner/A1 of Crime No.282 of 2017 of Nakrekal Police Station, Nalgonda District, registered for the offences punishable under Sections 497 and 323 IPC and Section 3(1)(r)&(s) of SC/ST POA Amended Act, 2015 and also heard the learned public prosecutor, representing the 1st respondent – State, before ordering notice to the 2nd respondent – defacto complainant and perused the grounds urged in the quash petition and the contents of the FIR.

2. There is a force in the contention of the counsel for petitioner that the offence under Section 3(1)(r)&(s) of the Act have no application for there is no public view, however, as pointed out by the learned public prosecutor Section 3(2)(v)(a) of the Act applies.

3. Having regard to the above, there is nothing to interdict the investigation, but for to say, none of the offences punishable above seven years, in the event of any necessity of arrest of the petitioner, the police shall strictly follow section 41A Cr.P.C., and the guidelines laid down by the Hon'ble

Apex Court in ***Arnesh Kumar Vs. State of Bihar***¹. All defenses of the petitioner are left open.

4. Accordingly and with the above direction, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

24.10.2017
SS



¹ 2014 (5) SCC 324