

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.4216 of 2011

ORDER:

This petition is filed for quash of the proceedings in FIR.No.42 of 2011 of Mandapeta Rural Police Station, East Godavari District.

2. Heard the learned counsel for the petitioner; the learned Public Prosecutor for the respondent and the learned counsel for the second respondent.

3. The counsel for the petitioners submits that the first petitioner is no more.

4. The offence alleged, against the petitioners, are under Section 3(i)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'the Act') read with Section 506 of the Indian Penal Code. A perusal of the complaint shows that there are specific allegations constituting the offence under Section 3(i)(x) of the Act. Hence, this Court opines that it is not a fit case for quash of the proceedings. However, considering the request of the counsel for the petitioners that the petitioners may be protected from arrest, the police are directed to follow the guidelines in of ARNESH KUMAR v. STATE OF BIHAR¹ before effecting the arrest of the petitioners. However, if the fact of death of the first petitioner is true, the procedure prescribed in such cases shall be followed.

¹ (2014) 8 SCC 273

With the above observation, the criminal petition is dismissed. The interim stay, granted earlier, in CRLPM.No.43780 of 2011 dated 24.05.2011 shall stand vacated. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

December 7, 2017
DSK

T. RAJANI, J

