

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.3063 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings in Crime (FIR).No.76 of 2011 on the file of the Station House Officer, Siricilla Police Station, Karimanagar District. The offences alleged are under Section 3(i)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Sections 420, 323 and 504 of the Indian Penal Code.

2. Heard the counsel for the petitioners, counsel for the second respondent and the learned Public Prosecutor, who takes notice for the first respondent.

3. A perusal of the report would show that there are clear allegations against the petitioners constituting the alleged offences. The allegation is that the land, which was registered in favour of the complainant, is already registered in favour of another person and that when he went to question the accused they abused him in his caste name and also beat him. Hence, this Court opines that it is not a fit case for quash, as a *prima facie* case is made out against the petitioners for the alleged offences. However, considering the plea of the counsel for the petitioners to safeguard the petitioners from arrest, the police are directed to follow the guidelines in ARNESH KUMAR v. STATE OF BIHAR¹ before effecting the arrest of the petitioners.

¹ (2014) 8 SCC 273

The criminal petition is dismissed. The interim stay, granted earlier in CRLPMP.No.3244 of 2011 dated 07.04.2011, shall stand vacated. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

December 11, 2017
DSK

T. RAJANI, J

