

The Hon'ble Sri Justice A.Shankar Narayana

Criminal Petition No.2985 of 2017

Order:

The present Criminal Petition is filed under Section 482 of the Criminal Procedure Code, 1973 (Cr.P.C.) to quash the proceedings in Crime No.11 of 2017 of P.S. Gundala, Jangaon District in the State of Telangana.

The petitioners are arraigned as accused Nos.1 and 2 respectively and they alleged to have committed the offences punishable under Sections 504 and 506 r/w 34 IPC and Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015.

Heard Sri D.Ramakrishna, learned Counsel for the petitioner, and the learned Assistant Public Prosecutor for the State of Telangana.

The learned Counsel for the petitioner pointed out the delay in lodging FIR and also the ill will or false motive to foist a false case against the petitioners and submitted that after filing of OS.No.25 of 2017 by the first petitioner herein against one Thakkalapalli Rojarani, whose name occurs in the complaint, the present complaint is lodged only as a measure

to dictate terms to petitioner No.1, although no offence as such had taken place.

The allegations made in the complaint would *ex facie* show that abusive phrases have been uttered so as to attract the offences under the provisions of the special Statute. The learned Counsel for the petitioners, therefore, would confine his request to the extent of directing the Investigation Officer to follow the procedure inlaid by the provisions of Section 41A of the Code.

The request of the learned Counsel for the petitioners appears to be reasonable. Therefore, while disposing of the present Criminal Petition, the Investigating Officer is directed to follow the procedure inlaid by the provisions of Section 41A of the Code and also the guidelines laid down by the Honourable Supreme Court in **Arnesh Kumar v. State of Bihar and another**¹.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(A.Shankar Narayana, J)

Dt: 13th April, 2017
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¹2014 (8) SCC 273

