

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9526 of 2017

ORDER :

Heard the learned counsel for the petitioners/ A1 to A6 of Crime No.100 of 2017 dated 02.10.2017 of Tanakal Police Station, Anantapur District, registered for the offences punishable under Sections 323, 324, 354 r/w 34 I.P.C. and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015(for short 'the Act') and learned Public Prosecutor representing the State before ordering notice to respondent No.2/ de facto complainant and perused the grounds urged in the quash petition.

It is the contention of the learned counsel for the petitioners that the offences under Sections 3(1)(r)(s) of the Act have no application, for nothing in public view, much less, witnessed by any person from the report, it is nothing but outcome of the earlier complaint given on 25.09.2017 by the 1st petitioner/ A1 against the de facto complainant's wife for their encroachment of a portion of the site of them, there is an endorsement of the Tahsildar also on 25.09.2017 and as a counter blast to it, it is engineered. It is also the contention that even the offences punishable under Section 324 and 354 I.P.C. have no application from the reading of the report.

Having regard to the above, though there is nothing to interdict the investigation apart from otherwise Section 3(2)(v)(a) of the Act applies including for the offence under Section 323 I.P.C. Hence, pending investigation, the petitioners shall not be arrested and this will not prevent the Police to secure them for the purpose of investigation, as and when required.

Accordingly, the Criminal Petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Date:11-10-2017

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Dr. B. SIVA SANKARA RAO, J