

THE HON'BLE SMT. JUSTICE T.RAJANI

CrI.P.No. 3055 of 2011

ORDER:

This petition is filed by the Accused Nos.1 and 2 seeking for quash of the proceedings in Crime No.28 of 2011 of Eluru II-Town Law & Order Police Station.

2. Heard the learned counsel for the petitioners and 2nd respondent, and the learned Public Prosecutor for the 1st Respondent.

3. The allegations in the complaint are that the petitioners entered the nursing home of the 2nd respondent, forcibly took away certain instruments, abused the 2nd respondent in filthy language, and assaulted him.

4. The counsel for the petitioners makes an effort to convince this Court that this case is a counterblast to the earlier case filed by the 1st Petitioner. But, it cannot be said simply based on the fact that earlier there was a case filed by the 1st petitioner, and this case is a counterblast to that case. Unless some more facts come to light, the truth of the allegations cannot be assessed. Hence, this is not definitely a case fit for quash of the proceedings at this stage.

5. Hence, the criminal petition is dismissed. However, considering that the 1st petitioner is a woman, and also considering the request of the counsel for the petitioners to direct the police not to arrest the petitioners, the police authorities are directed to follow the guidelines laid down by the Supreme Court in *Arnesh Kumar vs. State of Bihar &*

*Another*¹. Interim stay granted by this Court on 07.04.2011 in CrI.M.P.No.3236 of 2011 stands vacated. As a sequel, the miscellaneous applications pending, if any, shall stand closed.

T.RAJANI, J.

29th November, 2017
Kv



¹ (2014) 8 SCC 273