

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.746 of 2017

ORDER:

The present Criminal Petition is filed requesting to quash the proceedings in Crime No. 3 of 2017 of Adilabad II Town Police Station, Adilabad District. Petitioners are A1 to A6 in the above crime registered under Sections 324, 448 read with Section 34 IPC and Section 3 (1) (s) of SC/ST (POA) Amendment Act, 2015 (for short "the Act").

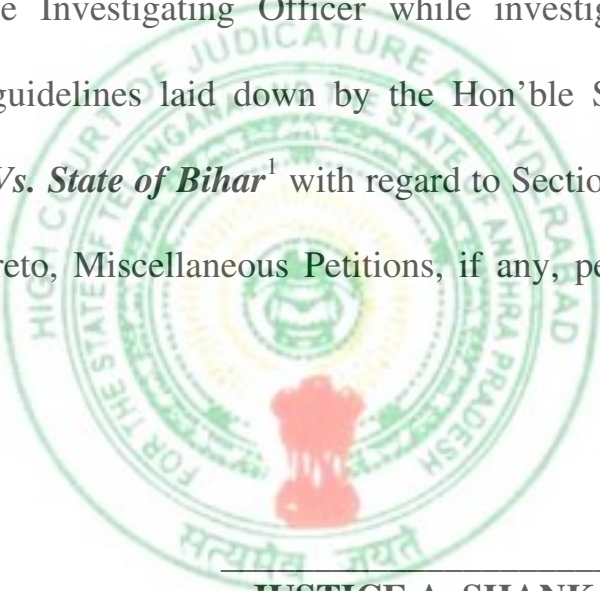
2. Heard Sri S. Surender Reddy, learned counsel appearing for petitioners and learned Public Prosecutor for the state of Telangana, appearing for first respondent.

3. The main submission of the learned counsel appearing for petitioners is that the de-facto complainant with false and baseless allegations filed the complaint even though, the petitioners are nothing to do with the alleged offences and in the complaint, detailed overt acts are not shown and even the abusive phrase said to have been used was incidentally not on the very same date but subsequent thereto; that as per the complaint allegations who uttered that phrase is not forthcoming in the complaint and, due to rivalry the petitioners being falsely implicated cannot be ruled out and prayed to dismiss the quash petition.

4. On the other hand, learned Public Prosecutor submits that the case is under investigation and truth can only be ascertained during the course of investigation when the evidences are collected.

5. The provision of Section 34 IPC, is also added to the offences alleged against the petitioners. It is no doubt true, the complaint does not disclose the overt acts of each of the accused and who amongst them did really utter but it is for the Investigating Officer while collecting the evidences to arrive at conclusion. At this stage, it is not a fit case to quash the proceedings in Crime No. 3 of 2017 of Adilabad II Town Police Station, Adilabad District.

6. Accordingly, the Criminal Petition is dismissed. It is needless to mention that the Investigating Officer while investigating the matter adheres to the guidelines laid down by the Hon'ble Supreme Court in *Arnesh Kumar Vs. State of Bihar*¹ with regard to Section 41-A of Cr.P.C. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.



JUSTICE A. SHANKAR NARAYANA

Date: 01.02.2017
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¹ (2014) 8 SCC 273