

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2121 of 2011

ORDER:

This petition is filed seeking for quashment of the proceedings against the petitioners, who are A1 to A3, in Crime No.75 of 2011 on the file of the Chatrinaka Police Station, Hyderabad.

2. Heard the counsel for the petitioners and the learned Public Prosecutor appearing for the 1st respondent. None appears for the 2nd respondent in spite of notice.

3. Though the counsel for the petitioners contends that the allegations are very vague, a perusal of the report given by the complainant/R2 would show that there are specific allegations that all the three accused had criminally trespassed into his house and abused in filthy language and beat him in stomach, chest and on face, with their hands and he was joined in OGH. Due to the interim stay granted by this court, investigation did not go ahead. But the report shows that the complainant sustained an injury and that he was also admitted in a hospital. Sufficient corroboration for the said fact need to be collected during investigation. Hence, this court opines that this is not a fit case for quash.

4. However, considering the request of the petitioners' counsel that the petitioners may be safeguarded from arrest, the police are directed to follow the guidelines enunciated by the Supreme Court in *Arnesh Kumar v. State of Bihar and*

*another (Crl.Appeal No.1277 of 2014)*¹, before effecting the arrest of the petitioners.

5. The Criminal Petition is accordingly dismissed. Interim stay granted by this Court in Crl.P.M.P.No.2148 of 2011, dated 09.03.2011, shall stand vacated.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

December 14, 2017
LMV

T. RAJANI, J



¹ (2014) 8 SCC 273