

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9434 OF 2017

ORDER:

Heard learned counsel for the petitioner/accused of Crime No.225 of 2017 of Nellore IV Town Police Station, dated 06.09.2017, from the report of the 1st respondent – defacto complainant of the crime registered for the offences punishable under Sections 341, 354D and 506 IPC and Sections 3(1)(r), w(ii) of SC/ST POA Amended Act, 2015 and also heard the learned public prosecutor, representing the 2nd respondent – State, before ordering notice to 1st respondent.

2. Perused the contents of the FIR and the grounds urged in the quash petition.

3. So far as, Section 3(1)(r) of SC/ST POA Amended Act concerned, there is nothing made out from the face value of allegations, thereby, the registration of the crime for the said offence can be quashed on its face. So far as other offences concerned, from the allegations in the FIR, there is nothing to interdict the investigation, but for to say, all defenses left open and in the event of any necessity of arrest of the petitioner, the police shall strictly follow Section 41A of Cr.P.C. and the guidelines laid down by the Hon'ble Apex

Court in ***Arnesh Kumar Vs. State of Bihar***¹, as none of the offences are punishable above seven years.

4. Accordingly and with the above directions, this Criminal Petition is allowed in part. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

10.10.2017
SS



¹ 2014 (5) SCC 324