

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.9332 of 2017

ORDER :

Heard the learned counsel for the petitioner/ A.1 in Cr.No.316 of 2017 of Mahaboobnagar Rural Police Station, Telangana State, registered for the offences punishable u/ sec.447, 504,506 r/ w 34 IPC and Sec.3(1)(f)(s)® of the Scheduled Caste and Scheduled Tribes(Prevention of Atrocities) Act,(for short, 'the Act') and also heard the learned Public Prosecutor representing the 2nd respondent-State before ordering notice to the 1st respondent-defacto-complainant and perused the grounds urged in the quash petition and the contents of the First Information Report.

It is submission of the learned Public Prosecutor that A.2 filed quash petition vide CrI.P.No.8436 of 2017 and it was ended in dismissal before another Bench of this Court on 03.10.2017. In fact as pointed out by the learned counsel for the petitioner, there is no public view to attract Section 3(1)(s) or ® of the Amended Act but for if at all to attract Section 3(1)(f) and (2)(va) of the Act, that too, as pointed out by the learned counsel for the petitioner, there are no specific allegation as to the date of the taking away original papers of the property by the alleged trespass and even the alleged act complained of was that two days prior to the report they were making illegal constructions in the said plot.

Having regard to the above, though there is nothing to interdict the investigation, for none of the offences punishable above 7 years, in case of arrest of the petitioner/ A.1 is required,

the police shall strictly follow Section 41-A of CrPC, and also the guidelines in Arnesh Kumar Vs. State of Bihar¹.

Accordingly and in the result, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 06.10.2017
vvr



¹ (2014) 8 SCC 273