

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

CRIMINAL PETITION No.9282 OF 2017

ORDER:

Heard learned counsel for the petitioners/A2 and A4 of Crime No.99 of 2017, on the file of Kovvur Town Police Station, West Godavari District, registered for the offences punishable under sections 341, 353, 323, 506 r/w 34 IPC and section 3(2)(v)(a) of SC/ST POA Amended Act, 2015, from the report of the 2nd respondent – AR Head Constable of the escort police party and also heard the learned public prosecutor, representing the 1st respondent – State, before ordering notice to the 2nd respondent.

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

3. For the police to register a crime under section 3(2)(v)(a) of SC/ST POA Amended Act, there is no any acquisition much less to say the caste of the defacto complainant – AR Head Constable is known to the any of the assailance of the FIR, leave about the petitioners names even not specifically figured in the report. Thus the registration of the crime for the offence under section 3(2)(v)(a) of SC/ST POA Amended Act is unsustainable and quashed accordingly. So far as other IPC offences concerned, from the seriousness of the allegations where the role of the petitioners if any is there or not is also a matter for investigation, which is at nasal stage, thereby there

is nothing to interdict but for to say 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 in the event of any necessity of arrest of the petitioner.

4. Accordingly and with the above observation, this criminal petition is allowed in part by quashing the crime for the offence punishable under section 3(2)(v)(a) of SC/ST POA Amended Act, 2015.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

04.10.2017
SS

A circular green seal of the High Court of Telangana, Hyderabad. The outer ring contains the text 'HIGH COURT OF JUDICATURE AND STATE OF TELANGANA HYDERABAD' at the top and 'FOR THE STATE OF TELANGANA AND STATE OF ANDHRA PRADESH' at the bottom. The inner circle features a central emblem with a green tree and a red lotus, with the motto 'सत्यमेव जयते' (Satyameva Jayate) in Devanagari script at the bottom.

DR.B.SIVA SANKARA RAO, J

¹ 2014 (5) SCC 324