

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2599 of 2017

ORDER.

The present Criminal Petition is filed by Accused Nos.3 to 5 requesting to quash F.I.R. in Crime No.110 of 2016 of Tripuraram Police Station, Nalgonda District.

The petitioners alleged to have committed the offences punishable under Sections-324 and 506 IPC and under Section-3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Heard Mr. M.V.Hanumantha Rao, learned counsel for the petitioners and the learned Additional Public Prosecutor for the State of Telangana.

Learned counsel for the petitioners submitted that the statements of L.Ws.1 and 13 recorded under Section-161 Cr.P.C. do not disclose any abusive phrases being uttered by the petitioners and the main allegations are only against Accused Nos.1 and 2, who are not the petitioners to the present Criminal Petition, and in fact, the petitioners belong to Scheduled Caste community and the allegations in the complaint and the material on record do not make out a case for the offences alleged against the petitioners. He would further submit that accused Nos.1 and 2 have approached this Court by filing

Criminal Petition No.14444 of 2016 and this Court passed order on 14.10.2016 not to arrest them.

Learned counsel for the petitioners seeks a direction to the Investigating Officer to follow the procedure laid down in Section-41-A of Cr.P.C., since the offences are punishable with imprisonment less than seven years and also as per the guidelines laid down by the Hon'ble Supreme Court in *Arnesh Kumar Vs. State of Bihar*¹.

Learned Additional Public Prosecutor appearing for the State of Telangana contended that there is *prima facie* material against the petitioners to show their complicity in the commission of the offences alleged against them.

In the F.I.R., the community of petitioner No.1 is shown as 'BC' belonging to Yadava/Golla and that of petitioner Nos.2 and 3 as Perika.

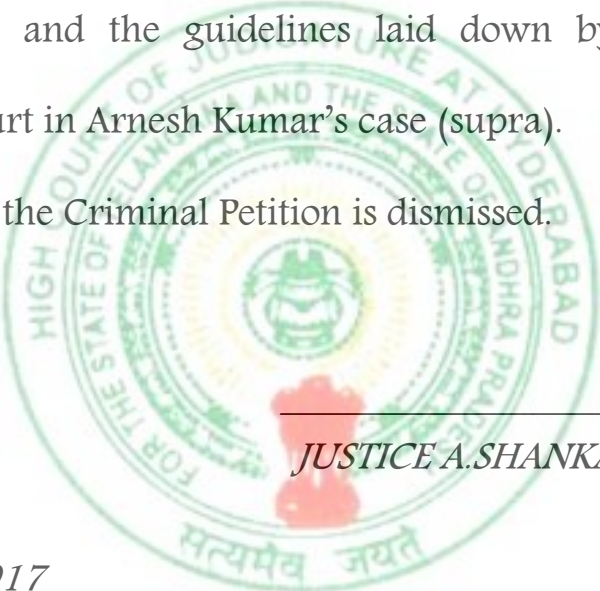
Be that as it may, the names of the petitioners are specifically mentioned in the complaint that they beat the brother of the *de facto* complainant with sticks on his head and he received bleeding injuries on his head and his left hand was fractured and there were witnesses who have witnessed the said incident.

So far as the allegations in the complaint and the statements made by the witnesses, more particularly, L.Ws.1 and

¹ 2014(2) ALT (Cri.)457(SC)

13 are concerned, they do not contain abusive phrases being uttered by the petitioners. These are all aspects which will have to be sorted out only if the investigation into Crime is completed. It appears the Investigating Officer is yet to file his final report. Therefore, in the presence of allegations in the complaint, it cannot be said that the investigation into Crime would amount to abuse of the process of law. However, the Investigating Officer is directed to follow the procedure under Section-41-A of the Code and the guidelines laid down by the Hon'ble Supreme Court in Arnesh Kumar's case (supra).

Hence, the Criminal Petition is dismissed.



JUSTICE A.SHANKAR NARAYANA

13th April 2017

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