

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7724 2017

ORDER:

Heard learned counsel for the petitioner/accused of crime No.108 2017 of Maddipadu Police Station, Prakasham District, registered for the offences punishable under Sections 452, 354 & 323 IPC and Sections 3(1)(r)(s) and 2(va) of SC and ST (POA) amended Act and perused the grounds urged in the quash petition and the contents in FIR and also the report of the accused/petitioner against the husband of the defacto complainant herein dated 14.08.2017 of the occurrence on 11.08.2017 registered as crime No.107 of 2017 for the offence under Section 353 IPC.

A perusal of the material on record no way enables the Court to interdict the investigation.

Having regard to the above, the Criminal Petition itself is disposed of without prejudice to all available defence of the accused including to place material before the Investigating Officer, however, by making clear in the event of necessity of arrest, the police should follow strictly Section 41-A Cr.P.C. and guidelines of the expression of the Apex Court in **Arnesh Kumar Vs. State of Bihar¹**.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 24.08.2017
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¹ 2014 (8) SCC 273