

SMT JUSTICE T.RAJANI
CRIMINAL PETITION No.4534 OF 2013

ORDER:

This Criminal Petition is filed seeking for quash of the proceedings against the petitioners, who are accused Nos.4 and 5, in Crime No.197 of 2012 on the file of Anaparthi Police Station, East Godavari district. The offences alleged against them are under Sections 498-A R/w.34 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard learned counsel for the petitioners, learned counsel for the 2nd respondent, and learned Public Prosecutor appearing for the 1st respondent.

3. The counsel for the petitioners submits that these petitioners are staying away from the 1st accused and that they have nothing to do with the affairs of the family members of accused No.1; they contend that in order to rope in all the family members of accused No.1, these petitioners were also arrayed as accused. But, a perusal of the complaint shows that there are allegations made against all the accused, citing specific instances. It is not a mere allegation that they have been harassing the *de-facto* complainant but the nature of harassment is also stated. Hence, this Court is of the opinion that it is not a fit case to quash the proceedings against the petitioners. But, however, considering the plea of the petitioners' counsel that the petitioners may be safeguarded from arrest, the police, at this stage, are directed to follow the guidelines enunciated by the Supreme Court in ***Arnesh Kumar Vs. State of Bihar and another (Criminal Appeal No.1277 of 2014)***¹, before effecting the arrest of the petitioners.

¹ (2014) 8 SCC 273

With the above directions, the Criminal Petition is disposed of. *Interim* stay granted by this Court on 04.06.2013 in this Petition shall stand vacated and it is needless to mention that further proceedings in the said crime shall go on. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T.RAJANI, J

Date: 19.12.2017.
Dsh



SMT JUSTICE T.RAJANI

96



26122017

CRIMINAL PETITION No. 4534 OF 2013

Date. 19.12.2017

DSH