

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.11992 of 2017

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code to quash the proceedings in Crime No.174 of 2017 of Parawada Police Station, Visakhapatnam, registered for the offences punishable under Sections 376 IPC, 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') and Section 4 of POCSO Act, 2012.

The petitioners/A2 to A4 are father, paternal aunt and brother-in-law of A.1. On the strength of the report dated 21.11.2017 of victim girl, a case was registered against A1 to A6 for various offences referred supra. The Investigating Agency took up investigation and filed remand report before the Court. According to the conclusion of the Investigating Agency, the petitioners are liable for punishment only for the offence punishable under Section 3(1)(r)(s) of the Act, whereas A.1 is liable for punishment for the offence punishable under Section 376 IPC, Section 3(1)(r)(s) of the Act and 4 of POCSO Act, 2012.

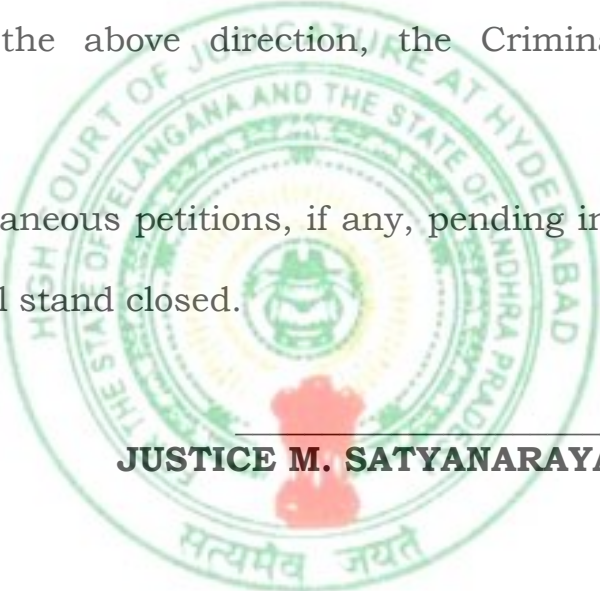
Even according to the remand report dated 28.11.2017, these petitioners are allegedly committed the offence punishable under Section 3(1)(r)(s) of the Act, for which maximum punishment is seven years. Therefore, learned counsel requested this Court to direct the Investigating Agency to follow the procedure laid down under Section 41-A

of Cr.P.C and guidelines issued by the Apex Court in **Arnesh Kumar v. State of Bihar**¹ as the offence allegedly committed by the petitioners being maternal aunt and brother-in-law of A1 is under Section 3(1)(r)(s) of the Act.

In view of the submission made by learned counsel for the petitioner, I deem it appropriate to direct the Investigating Agency to follow the procedure laid down under Section 41-A of Cr.P.C. and guidelines issued by the Apex Court in **Arnesh Kumar** case referred supra.

With the above direction, the Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.



JUSTICE M. SATYANARAYANA MURTHY

06.12.2017
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¹ (2014) 8 SCC 273