

**THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

**CRIMINAL PETITION No.12317 of 2017**

**ORDER:**

The present petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') is filed requesting to quash the First Information Report in Crime No.68 of 2017 of Kota Police Station, SPSR Nellore District.

The petitioners, who are arraigned as accused Nos.1 to 3, alleged to have committed the offences punishable under Sections 341, 354 (1), 323 read with 34 IPC and Section 3 (1) (r) (s) of SC & ST (POA) Act.

Heard Sri Koppula Gopal, learned counsel for the petitioners. He would submit that a reading of the First Information Report *ex facie* would not make out allegation as to commission of offence punishable under Section 354 IPC so far as accused No.2 is concerned, who is mother of accused No.1. It is also his submission that the petitioners have been falsely implicated and, therefore, sought to quash the First Information Report in Crime No.68 of 2017.

Learned counsel for the petitioners has drawn the attention of this Court to the contents of the First Information Report. The complaint in vernacular language would clearly show the specific allegations against accused Nos.1 to 3 even at this stage. It is no doubt true, the 2<sup>nd</sup> petitioner is a female, being the mother of the 1<sup>st</sup> petitioner, and the offence punishable under Section 354 IPC may not

be applicable to her, but, still, there are other offences alleged against her.

Hence, the present Criminal Petition is dismissed. However, acceding to the request of the learned counsel for the petitioners to direct the police to follow the procedure under Section 41-A of the Code and the guidelines laid down by the Apex Court in **Arnesh Kumar v. State of Bihar and another**<sup>1</sup>, the Investigating Officer is directed to follow the procedure and also the guidelines, as sought for by the learned counsel for the petitioners.

Miscellaneous applications, if any pending in the present petition, stand closed.

13.12.2017  
v v



**JUSTICE A.SHANKAR NARAYANA**

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<sup>1</sup> 2014 (2) ALT (CrL) 457 (SC)