

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.10863 of 2011

ORDER:

This criminal petition is filed, seeking for quash of the proceedings in P.R.C.No.2 of 2011, against the petitioner, who is the accused, on the file of the Judicial Magistrate of First Class, Sullurpet. The offence alleged is under Section 506 of the Indian Penal Code.

2. Heard the counsel for the petitioner and the learned Public Prosecutor, appearing for the second respondent. None appears for the first respondent in spite of notice.

3. The counsel for the petitioner submits that it is purely a civil dispute between the parties.

4. But a perusal of the charge sheet shows that the accused encroached upon the land of the complainant and threatened the complainant and her relatives that he would see her end if they fail to provide way to his land through the land of the complainant.

5. Hence, in view of the clear averments constituting the alleged offence, this Court opines that it is not a fit case for quash of proceedings.

6. However, considering the request of the counsel for the petitioner, the police are directed to follow Section 41-A of the Criminal Procedure Code and the guidelines in ARNESH KUMAR v. STATE OF BIHAR¹ before effecting the arrest of the petitioner.

¹ (2014) 8 SCC 273

In the light of the above, the criminal petition is dismissed.
As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

October 8, 2018
DSK

T. RAJANI, J

