

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.999 of 2018

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioners/ A.1 to A.3 seeking to quash the proceedings in Crime No.2 of 2018 of Mendora Police Station, Nizamabad District, registered for the offences punishable under Sections 3 (1) (s) and 3 (1) (zc) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard the learned counsel for the petitioners/A.1 to A.3, the learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. After arguing for some time, the learned counsel for the petitioners would submit that the sentence of imprisonment prescribed for the alleged offences is below seven years and hence police may be directed to follow Section 41A Cr.P.C. and the petitioners are ready to give their explanation to the police, provided a notice under Section 41A of Cr.P.C. is issued to them.

4. The learned Assistant Public Prosecutor conceded the said request stating that the punishment for the alleged offences is imprisonment for seven years and below.

5. Under these circumstances and in view of the nature of allegations, it is appropriate to direct the investigating officer to follow the provisions under Section 41A Cr.P.C. and the directions of the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹.

6. In the result, the investigating officer in crime no.2 of 2018 of Mendora police station, Nizamabad District is directed to follow the procedure laid down under Section 41A of Cr.P.C. and adhere to the guidelines formulated by the Apex Court in **Arnesh Kumar** case (1 supra).

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

Miscellaneous Petitions pending, if any, in this Criminal Petition, shall stand dismissed.

Dr. Shameem Akther, J

31.01.2018
DRK

¹ (2014) 8 SCC 273

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