

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

Criminal Petition No.6678 of 2017

ORDER :

The petitioner is the sole accused in Crime No.281 of 2017 of Sanjeevareddy Nagar Police Station, Hyderabad, registered for the offences punishable under Sections 323, 506 IPC and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amended Act, 2015 (for short, "the Act").

2. Heard the learned counsel for petitioner and the learned Additional Public Prosecutor representing the respondent No.1-State and even notice ordered to respondent No.2-*de facto* complainant and having been served, she failed to attend in person or through advocate and thereby, taken as heard. Perused the earlier interim order of this Court dated 04.08.2017 in suspending the investigation in relation to the offence under Section 3(1)(r)(s) of the Act while ordering further investigation in relation to the other offences.

3. A perusal of the F.I.R. and the quash petition averments so far as the F.I.R. page 3 is concerned, it is pointed out by the learned Additional Public Prosecutor that it attracts the allegations under the Special Act to say public view. Learned counsel for the petitioner drawn attention of this Court saying it is a counterblast and having taken by abuse of the provisions, such defence is now not open as premature, but for to consider only on the face value of the F.I.R. allegations and it is not a clear case of no public view to quash the

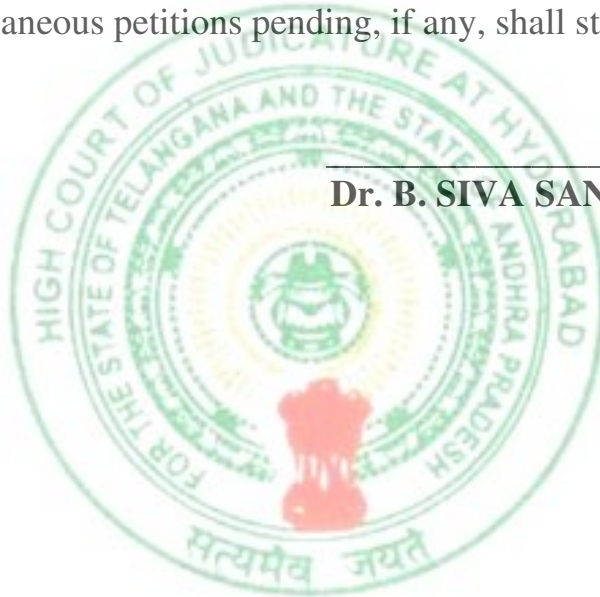
F.I.R. for the offence shown under Section 3(1)(r)(s) of the Act. Once such is the case, but for to direct the police to follow Section 41-A Cr.P.C. that is already ordered, there is nothing more to keep the petition pending.

4. With the above observations, this Criminal Petition is disposed of by directing the police to strictly follow Section 41-A Cr.P.C. and also the guidelines laid down by the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹.

Miscellaneous petitions pending, if any, shall stand closed.

30.10.2018
MVA

Dr. B. SIVA SANKARA RAO, J



¹ (2014) 8 SCC 273