

**HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

**CRIMINAL PETITION No.3674 of 2018**

**ORDER:**

This petition is filed under Section 482 Cr.P.C by petitioners/A1 to A4 seeking to quash the proceedings in Crime No. 101 of 2018 of Nellore V Town Police Station, SPSR, Nellore District, registered for the offences under Section 307 r/w 34 IPC and Section 3(1)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

The brief facts of the case are that the de-facto complainant is studying MBBS first year in Geetam University and he came on the eve of Ugadi holidays to Nellore and was about to return to Visakhapatnam that night on 19.3.2018. As per the complaint allegations, the accused were also students. While so, on the evening of 19.3.2018 at about 6.20 hours when complainant and his friends having tea at Iskan Coffee Shop, Nellore, all the accused came there and surrounded the complainant and his friends and A1 abused the defacto complainant in the name of his caste and thereupon A2 beat on the head of the de-facto complainant with iron rod causing bleeding injuries. The other accused also attacked the de-facto complainant and his friends and also beat them. The de-facto

complainant became unconscious and he was taken to Jayabharath Hospital, Nellore.

Investigation is reported to be pending.

Considering the submission of petitioners/A1 & A2 that they were appearing for degree examinations, this Court in its order dated 2.4.2018 directed stay of all further proceedings in Crime No. 101 of 2018 so far as petitioners/A1 & A2 are concerned.

The submission of learned counsel for petitioners while denying the complaint allegations is that still one more examination of A1 and A2 is left over and in view of threat of the arrest and investigation, they are not able to concentrate on the studies and therefore, while directing continuation of investigation, the Investigating Officer may be directed not to arrest the petitioners.

Learned Additional Public Prosecutor opposed the petition stating that all the accused are responsible for causing injuries to the complainant and investigation is already stalled so far as A1 and A2 are concerned.

A perusal of wound certificate, issued by Jayabharath Hospital, Nellore, shows that the de-facto complainant suffered injuries on his head and they are simple in nature.

Having regard to the fact that the dispute was among the students and injuries suffered by the de-facto complainant are simple in nature and

the accused are having examinations, this Court is of the considered view that investigation no doubt shall proceed with, however, the Investigating Officer can be directed not to arrest the petitioner/accused.

Accordingly, the Criminal Petition is disposed of with the direction that investigation shall proceed to its logical end. However, the Investigating Officer shall not arrest the petitioners/A1 to A4 during the course of investigation. The petitioners/A1 to A4 shall cooperate with the investigating agency for smooth completion of investigation and they are directed to submit their addresses and cell phone particulars to the Investigating Officer within three days from the date of this order.

As a sequel there to, miscellaneous applications, pending if any, shall stand closed.



**U.DURGA PRASAD RAO, J**

Date: 20.04.2018  
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Note: Furnish copy by Monday.