

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.6951 of 2011

ORDER:

The criminal petition is filed for quash of the proceedings in Cr.No.19 of 2011 on the file of the II Town Police Station, Chittoor. The offences alleged are under Sections 147, 341, 506 and 149 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the second respondent. None appears for the first respondent.

3. The counsel for the petitioner submits that there is a counter case filed by the petitioner herein, which is also numbered as Cr.No.20 of 2011 on the same day and at the same time. He also submits that omnibus allegations are made against all the accused, who are nine in number, stating that they have abused the victims in their caste name, which is not comprehensible.

4. However, specific names of the persons are stated, who abused the victims in their caste name and when others went to question them, all of them, together, abused the victims in their caste name. Hence, in the above circumstances, the acts may attract Section 34 IPC. Hence, considering the above, this Court opines that it is not safe to quash the proceeding in this crime, at this stage.

5. However, considering the request of the counsel for the petitioner that the petitioner may be protected from arrest, the police

are directed to follow the guidelines of ARNESH KUMAR v. STATE OF BIHAR¹ before effecting the arrest of the petitioners and also to follow Section 41 of the Criminal Procedure Code.

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

August 20, 2018
DSK

T. RAJANI, J



¹ (2014) 8 SCC 273