

SMT. JUSTICE T.RAJANI
CRIMINAL PETITION No.11021 OF 2011

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner/Accused, seeking to quash the proceedings in Crime No.97 of 2011, on the file of the Station House Officer, Nandivada Police Station, Krishna District, registered for the offences punishable under Sections 354 and 506 R/w.34 of I.P.C. and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act').

2. Heard learned counsel for the petitioner and learned Public Prosecutor, appearing for the 1st respondent – State. None appears on behalf of the learned counsel, appearing for the respondents 2 to 4 – *de-facto* complainants.

3. The allegation in the complaint is that, during the quarrel which took place in the village, the petitioner abused the respondents in their caste name.

4. From a reading of the complaint, it can be understood that, *prima-facie*, the allegations against the petitioner attract the alleged offences.

5. Hence, in view of the nature of allegations, this Court opines that this is not a fit case to quash the proceedings against the petitioner, at this stage. Hence, the Criminal Petition is liable to be dismissed.

6. In the result, the Criminal Petition is dismissed. However, considering the request of learned counsel for the petitioner that the Police concerned are directed to follow Section 41-A of Cr.P.C. and the guidelines issued by the Apex Court in ***Arnesh Kumar Vs. State of Bihar and another***¹ before effecting the arrest of the Petitioner/Accused.

¹ 2014 (2) ALT (Crl.) 457 (SC)

7. As a sequel, miscellaneous petitions if any, pending in this Petition shall stand dismissed.

T. RAJANI, J

Date: 30.10.2018.
Dsh



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