

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.3928 of 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/accused seeking to quash the proceedings against him in Crime No.6/2018 of Seethampeta PS, Srikakulam District, registered for the offences under Sections 153-A, 500, 505 IPC and Sec.67 of Information Technology Act.

2) Heard both sides.

3) Learned counsel for petitioner would submit that there is absolutely no truth in the contents of FIR and that any reasonable criticism that has been made by the petitioner in protest against the oppression of the rights of the tribal community cannot be meted out with criminal prosecution and therefore, in that context the FIR is not maintainable and is liable to be quashed.

4) Learned Additional Public Prosecutor would submit that investigation is in the nascent stage.

5) Having regard to the submission that investigation is in the inceptional stage and the nature of accusation made by the *defacto* complainant in his complaint, which discloses a *prima facie* case, this Court is of the considered view that it is not apt to stifle the investigation. Therefore, the investigation shall reach to its logical conclusion. However, the Investigating Officer shall strictly follow the guidelines

rendered by Hon'ble Apex Court in the decision reported in *Arnesh Kumar vs. State of Bihar*¹ and also the procedure contemplated under Section 41-A Cr.P.C towards the petitioner/accused during the course of investigation. In turn, the petitioner/accused shall cooperate with the investigating agency for smooth completion of investigation.

6) Accordingly, this Criminal Petition is disposed of.

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

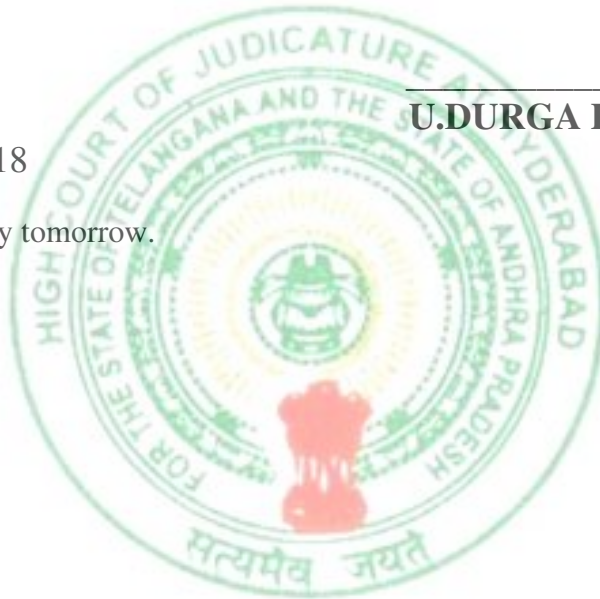
Date: 10.04.2018

Note: Issue C.C by tomorrow.

(b/o)

SCS

U.DURGA PRASAD RAO, J



¹ AIR 2014 SC 2756