

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.4064 of 2018

ORDER:

This petition is filed under Section 482 Cr.P.C by the petitioner/A1 seeking to quash the proceedings in Crime No. 79 of 2018 of Addanki Police Station, registered for the offences under Section 323 r/w 34 IPC and Section 3(2) (va) of The Scheduled Castes and the Scheduled Tribes (*Prevention of Atrocities*) Amendment Act, 2015 (for short “ the Act”) against petitioner/A1 and two others.

The brief facts of the complaint are that the de-facto complainant is the residence of Addanki and he is working as Car driver. On 29.3.2018 at 11.00 am on the instructions of his owner he took the car for servicing and after completing the service to the car while he was returning back and reached Meenakshi Restaurant and proceeding slowly, and while taking a turn at the opposite side of the Meenakshi Restaurant, three unidentified persons i.e., accused came on bike and dashed against his vehicle and when the de-facto complainant got down the car and questioned their high handed act, the accused pounced upon him and beat him with hands and legs in the meanwhile the owner of the de-facto complainant and others came and on seeing them the accused went away on their bike. The petitioner suffered invisible injuries and he was shifted to Government Hospital, Addanki.

The investigation is reported to be pending.

Denying the complaint allegations, learned counsel for petitioner/A1 would submit that even if the complaint allegations are taken to be true, the offence under Section 323 r/w 34 IPC and Section 3(2) (va) of the Act are not applicable and a false complaint is filed against the petitioner/A1 and others.

The accusation made in the complaint is that all the accused high handedly beat the de-facto compliant. The police registered the case for the offences under Section 323 r/w 34 IPC and Section 3(2) (va) of the Act. Whether the above offences are maintainable against the petitioner/A1 or not can be decided only after full-fledged investigation is completed. So far as offence under Section 323 IPC is concerned, there is a *prima facie* accusation against petitioner/A1.

In these circumstances, it is not apposite to quash the proceedings. Hence, investigation shall be continued. However, having regard to the nature of the allegations, the Investigating Officer shall strictly follow the guidelines rendered by the Hon'ble Apex Court in **Arnesh Kumar V. State of Bihar**¹ and follow the procedure contemplated under Section 41-A Cr.P.C., during the course of investigation. Petitioners/A1 & A2 in turn are directed to cooperate with the investigating agency for smooth completion of investigation.

Accordingly, the Criminal Petition is disposed of. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 17.04.2018
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Note: Furnish copy by tomorrow

¹ (2014) 8 SCC 273