

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.8405 OF 2011

ORDER:

This Criminal Petition, under section 482 of Cr.P.C., is filed by the Petitioners/A-1 and A-2 seeking to quash the proceedings in Crime No.67 of 2011 of Vuyyur Police Station, Vijayawada, Krishna District, registered for the offences punishable under Sections 143, 147, 341, 342, 309, 506, 353 R/w.149 of I.P.C., Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984, Section 7 of Criminal Amendment Act, and Section 135 of A.P. Electricity Reforms Act, 1998.

2. Heard learned counsel for the petitioners, learned Public Prosecutor, appearing for the 1st respondent – State. None appears for the 2nd respondent – complainant, in spite of service of notice.

3. As per the complaint, the complainant is V.R.O. of Akunuru Village. On 22.08.2011, he learnt through one Penumathi Thirupathaiah that one K.Koteshwaramma, wife of Nageshwar Rao, died due to her ill-health and, when he went there, the sons of deceased Koteshwaramma, along with some others, with an intention to take procession of dead body through Malepally colony, have kept the dead body on the cement block, situated in front of the Panchayat Office, and illegally used the electricity for A.C. Cooling Box and, when he resisted the same, some people gathered there and threatened to commit suicide, while some people threatened to foist S.C. and S.T. cases against the complainant.

4. Learned counsel for the petitioners submits that the aforesaid offences are punishable with imprisonment below 7 years, and he does not press upon the prayer of quashing the proceedings, but he seeks a direction to be given to the Police to follow Section 41-A Cr.P.C., before affecting the arrest of petitioners.

5. Hence, in view of the said submission of learned counsel for the petitioners and also in view of the nature of allegations, the direction, as sought

for, is given to the Police concerned not to arrest the petitioners without following Section 41-A of Cr.P.C.

6. With the above observation, the Criminal Petition is disposed of.

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

T. RAJANI, J

Date: 24.09.2018.
Dsh



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Date. 24.09.2018

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