

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.7112 of 2018

ORDER :

This Criminal Petition is filed by petitioners/A1 & A2 under Section 482 Cr.P.C. to quash the proceedings against them in Crime No.52 of 2018 on the file of Kothaguda Police Station, Kothaguda, Mahabubabad District, registered for the offences under Sections 506, 34-X SC ST POA Act.

2. The Complainant belongs to ST Lambada community. On 15.06.2018 at about 07.30 A.M., while the complainant was proceeding for labour work for construction of Bathukamma Ghat at Pedda Cheruvu, the accused accosted him and abused him in the filthy language as to why he got issued notice through Gram Panchayat, stating that the tin sheets of their house were projecting on the road. They threatened him that in case the tin sheets were removed by the Gram Panchayat, they will make him paraded with chappals on his neck. They also threatened him to kill. While they were abusing one Ellongula Ellaiah, Damara Ashok, Kommana Boina Mallaiah, Guntuka Naresh, Bairaboina Buchchiramulu witnessed. The investigation is reported to be pending.

3. Denying the allegations, learned counsel for petitioners would submit that petitioners were falsely implicated in the case. Learned counsel would further submit that complainant proposed to erect a flag pole in front of the houses of the petitioners to which they objected. In view of the same, the complainant filed a false complaint against them.

4. Having regard to the fact that investigation is in the nascent stage, this Court is of the opinion that let the investigation shall lead to its logical conclusion. However, the investigating officer shall strictly follow the

guidelines issued by the Hon'ble Apex Court in **Subhash Kashinath Mahajan V. State of Maharashtra**¹ during the course of investigation. Besides this, having regard to the nature of the offence, the investigating officer shall also follow the guidelines rendered by the Hon'ble Apex Court in **Arnesh Kumar V. State of Bihar**² 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.

5. 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: 10.07.2018.

Note: Issue cc by tomorrow

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¹ 2018(1) ALD (CrI.) 629 (SC)

² (2014) 8 SCC 273

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