

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No. 7251 OF 2018

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C. by the petitioners-accused Nos. 1 to 3 seeking to quash the proceedings against them in crime No. 51 of 2018 of B.Mattam Police Station, Kadapa District, registered for the offences punishable under Sections 341, 323, 352 and 420 read with Section 34 of IPC.

2. The brief allegations of the complaint are that respondent No. 2- *de facto* complainant is a petty contractor who constructed an Anganwadi School Building for N.Gollapalle Gramapanchayat and an amount of Rs.2,21,000/- and odd was due from the Gramapanchayat. He submitted bills and the amount was by mistake deposited in the account of Dirasavancha Gramapanchayat, for which petitioner No. 3-accused No. 3 is the Sarpanch. Petitioner Nos. 1 and 2 are the sons of petitioner No. 3. On knowing this, on 21-05-2018, respondent No. 2 went to the house of petitioner No. 3 and requested him to transfer the amount to the account of N.Gollapalle Gramapanchayat but all the petitioners abused him and used criminal force and petitioner No. 3 beat him with a stick on the thigh of respondent No. 2 causing injuries. Hence, the complaint.

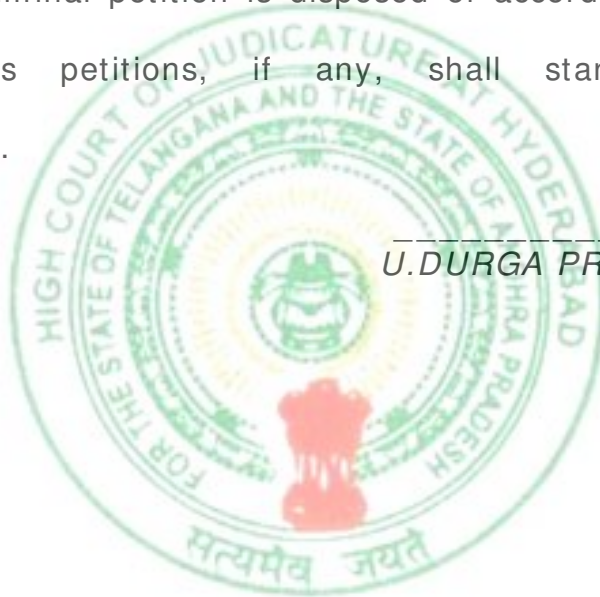
3. Learned counsel for the petitioners denied the allegations made in the complaint and sought for quashment of the proceedings.

4. Investigation is reported to be pending. Having regard to the *prima facie* accusation found in the complaint, this Court is not inclined to quash the proceedings. However, the investigating officer during the course of investigation shall scrupulously follow the guidelines rendered by the Hon'ble Apex Court in *Arnesh Kumar Vs. State of Bihar*¹ and also follow the procedure contemplated under Section 41-A of Cr.P.C. The petitioner in turn shall cooperate with the investigating agency for smooth completion of the investigation.

5. The criminal petition is disposed of accordingly. Pending miscellaneous petitions, if any, shall stand closed in consequence.

12-07-2018.
JSK

U.DURGA PRASAD RAO, J.



¹ (2014) 8 SCC 273