

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.7429 of 2018

ORDER

This petition is filed under Section 482 Cr.P.C., to quash the proceedings in Crime No.285 of 2017 of Penamaluru Police Station, Vijayawada City, registered for the offences punishable under Sections 427, 448, 506, 379 r/w 34 IPC and Section 3(1)(r)s of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 (for short 'the Act'), on various grounds.

As seen from the allegations made in the complaint the petitioners abused the *de facto* complainant and his children by taking their caste name as 'you are borne to Madiga fellow' and also hit the wife and children of the *de facto* complainant with iron rods and sticks. Hence, these allegations would attract the above section of law.

However, learned counsel for the petitioners requested the Court to grant not to arrest, which cannot be granted as it amounts to pre-arrest bail, which is prohibited under Section 18 of the Act. The crime was registered without following the guidelines issued by the Apex Court in **Dr. Subhash Kashinath Mahajan v State of Maharashtra and another**¹.

In view of the guidelines issued by the Apex Court in **Dr Subhash Kashinath Mahajan's** case referred supra, the Investigating Officer is directed to follow the said guidelines.

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

18.07.2018
kvrm

¹ 2018 Law Suit (SC) 233