

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.10046 of 2011

ORDER:

The criminal petition is filed seeking quash of the proceedings in Cr.No.2 of 2011, against the petitioners, who are the accused, on the file of the Station House Officer, Amaravathi Police Station, Guntur District. The offences alleged are under Sections 147, 148, 447, 379 and 149 of the Indian Penal Code.

2. Heard the counsel for the petitioners, the learned Public Prosecutor appearing for the first respondent. None appears for the second respondent.

3. The counsel for the petitioners submits that the case is purely of civil nature and that civil suits are pending between the parties.

4. A perusal of the complainant would show that an injunction was granted in favour of the *de facto* complainant and all the petitioners were alleged to have formed into an unlawful assembly armed with deadly weapons and trespassed into the land of the *de facto* complainant.

5. Hence, in the circumstances, this Court opines that the matter has to be adjudicated in order to arrive at the truth of the matter. Hence, it is not advisable to quash the proceedings at this stage.

6. However, considering the request of the counsel for the petitioners, the police are directed to follow Section 41-A of the

Criminal Procedure Code and the guidelines in ARNESH KUMAR v. STATE OF BIHAR¹ before effecting the arrest of the petitioner.

In the light of the above, the criminal petition is dismissed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

December 3, 2018
DSK

T. RAJANI, J



¹ (2014) 8 SCC 273