

**HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO**

**CRIMINAL PETITION No.11449 of 2018**

**ORDER :**

The petitioners are A.1 to A.3 of Crime No.178 of 2018, out come of the report of the *de facto* complainant not even impleaded as party to the criminal petition though supposed to be, but for the Station House Officer, Dharmajigudem Police Station, West Godavari District, as R.2 in registration of the crime supra, dated 23.10.2018, for the offences punishable under Sections 323 and 324 read with 34 IPC and Sections 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. No doubt, there is no public view to attract the offence under Section 3(1)(s) of the SC/ST Act. However, Section 3(2)(va) of the SC/ST Act attracts once there is offence under Section 324 IPC. Having regard to the above, there is nothing to quash the First Information Report that too without hearing the *de facto* complainant.

3. Accordingly, the criminal petition is disposed of, rather than dismissal. For none of the offences are punishable above seven years in directing the police while conducting investigation if at all arrest is required strictly follow Section 41-A Cr.P.C. and the guidelines of Apex Court in **Arnesh Kumar v. State of Bihar**<sup>1</sup>. All defences of petitioners left open.

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<sup>1</sup> (2014) 8 SCC 273

Miscellaneous petitions pending, if any, shall stand closed.

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**Dr. B. SIVA SANKARA RAO, J**

14<sup>th</sup> November 2018.

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