

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.11800 of 2018

ORDER:

The petitioners are A3 to A5 among five accused in Crime No.85 of 2018 of Yellandu Police Station, Bhadrachalam District, registered for the offences punishable under Sections 143, 147, 323, 354, 506 r/w 149 IPC on 11.06.2018 for the alleged occurrence on the previous day i.e., on 10.06.2018 at about 11.00 A.M.

2. The allegations show the alleged attack and beating and there is no offence under Section 354 IPC. Even taken for arguments sake two ladies caught hold of tuft of hair of the *de facto* complainant and another lady that too for nothing to show from the averments of intent to outright the modesty and there is no offence under Sections 143 & 147 IPC made out for not even a case of armed with any weapons, but for they all formed into an unlawful assembly and beat with hands etc. and allegedly came in Car and the attack was preceded by quarrel and with hands.

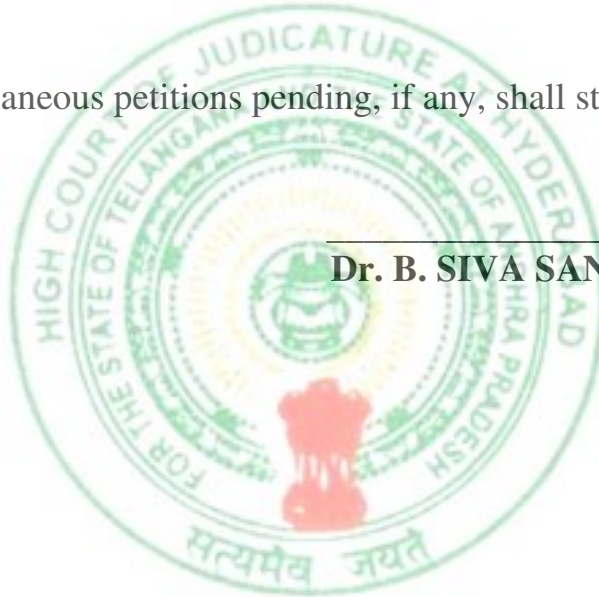
3. Having regard to the above, the registration of crime so far as the penal sections under which allegedly punishable of Sections 143, 147, 354 & 506 IPC no way sustainable and to that extent quashed by retaining Section 323 r/w 149 IPC.

4. Accordingly, this Criminal Petition is allowed in part. There is no prohibition for the police to investigate as the original crime registered includes cognizable and non-cognizable offence to make non-cognizable also cognizable, though what is retained is non-cognizable. The police not to arrest the accused persons pending investigation, however, it will not prevent to secure their presence as and when required. If the accused persons failed to attend, the police strictly follow Section 41-A Cr.P.C. and also the guidelines as held by the Apex Court in **Arnesh Kumar v. State of Bihar**¹.

Miscellaneous petitions pending, if any, shall stand closed.

28.11.2018
MVA

Dr. B. SIVA SANKARA RAO, J



¹ (2014) 8 SCC 273