

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.12432 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioners/ A1 and A2, seeking to quash the proceedings according to the typed copy of the FIR in Crime No.303 of 2018 on the file of Kancharapalem Police Station, Visakhapatnam District, registered for the offences punishable under Section 354C r/w 34 IPC and Sections 3(2)(va) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act and 66-E ITA-2000-2008.

Heard learned counsel for the petitioners and learned Public Prosecutor appearing for the State in opposing the criminal petition, before ordering notice to respondent No.2/ de facto complainant and perused the material on record.

On perusal of the material on record, there is nothing to quash the proceedings much less to admit and keep the matter pending for notice to respondent No.2 and hearing, but for, to say as none of the offences are punishable above seven years, police strictly follow Section 41-A Cr.P.C.

Having regard to the above, the Criminal Petition is disposed of, directing the police to proceed with the investigation and in the event of any necessity of arrest of the petitioners, they have to follow Section 41-A Cr.P.C. and the guidelines of the Apex Court as laid down in Arnesh Kumar v. State of Bihar¹, strictly.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 22.11.2018
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¹ (2014 (2) ALT (Cri.) 457 SC)