

**HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO**

**CRIMINAL PETITION No.14050 of 2018**

**ORDER :**

Impugning the First Information Report in Crime No.135 of 2018 registered by the Mulakalapally Police Station, Badradri Kothagudem District, for the offences punishable under Section 354-A IPC and Section 8 of POCSO Act, on the report of the 2<sup>nd</sup> respondent-*de facto* complainant, the petitioner/accused filed the quash petition.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, representing the 1<sup>st</sup> respondent-State in opposing the same, before ordering notice to the 2<sup>nd</sup> respondent and before admission. Perused the First Information Report and quash petition averments.

3. A perusal of the First Information Report and quash petition averments no way entitles this Court to quash the proceedings or admit by keeping the matter pending, but for to say for none of the offences are punishable above seven years, the police strictly follow Section 41-A Cr.P.C., and also the guidelines as held by the Apex Court in **Arnesh Kumar Vs. State of Bihar**<sup>1</sup>.

4. Accordingly and in the result, the criminal petition is disposed of without prejudice to any future defence of the petitioner.

Miscellaneous petitions pending, if any, shall stand closed.

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

31<sup>st</sup> December 2018.

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