

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1477 OF 2019

ORDER:

This Criminal Petition is filed under Section 482 of the Criminal Procedure Code, 1973 (for short 'Cr.P.C.'), by the petitioners/A.1 to A.10 seeking to quash the proceedings against them in F.I.R.No.35 of 2019 dated 07.02.2019 on the file of Bibi Nagar Police Station, Rachakonda Commissionerate registered for the offences under Sections 323, 506 I.P.C and Section 3(1)(i)(r)(s) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short "the Act").

2. Heard the learned counsel for the petitioners/A.1 to A.10, the learned Additional Public Prosecutor representing the 1st respondent/State and perused the record.

3. Having elaborately argued, the learned counsel for the petitioners/A.1 to A.10 made a request to this Court to give a direction to the investigating agency to follow the provisions under Section 41A Cr.P.C. The learned Additional Public Prosecutor has conceded to the same.

4. As per the First Information Report dated 07.02.2019, the offences alleged against the petitioners/A.1 to A.10 are under Sections 323, 506 I.P.C and Section 3(1)(i)(r)(s) of the Act. The said offences are punishable with imprisonment for a term which may be less than seven years.

4. Under these circumstances, the investigating agency is directed to follow the directions stipulated under Section 41A Cr.P.C., as directed by the Apex Court in Arnesh Kumar v. State of Bihar and another¹, before taking any coercive steps against the petitioners/A.1 to A.10.

5. With the above direction, the Criminal Petition is disposed of. Miscellaneous Petitions pending if any, shall stand closed.

Dr.JUSTICE SHAMEEM AKTHER

March 19, 2019

grk



¹ 2014 (2) ALT (Crl.) 457 (SC)