

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CRIMINAL PETITION No.2407 of 2019

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C., seeking to quash the proceedings in Cr.No.227 of 2019 on the file of Medipally Police Station, Rachakonda Commissionerate, Medchal-Malkajgiri District, registered for the offences punishable under Sections 354, 506 & 509 of IPC, under Sections 7, 8 & 12 of POCSO Act, 2012, under Section 75 of JJA-2015, and under Section 3(1)(r)(w) of SCs & STs (POA) Amendment Act, 2015 (for short 'the Act'), against the petitioner/accused.

2. The petitioner contended that the de facto complainant has made a complaint alleging that he was harassing the students by abusing them in filthy language in the name of their caste and outraging their modesty. The petitioner further contended that none of the witnesses have stated anything against him in the FIR and that he never committed the aforesaid crime and he has been falsely implicated in the alleged offences to harass him. He further contended that since there is a bar from seeking anticipatory bail under the Act, he filed the present application seeking to quash the proceedings against him.

3. Learned counsel for the petitioner requested this Court to direct the Investigating Authority to follow the procedure contemplated under Section 41-A of Cr.P.C.

4. Learned Public Prosecutor submitted that before arresting the petitioner, the Investigating Authority shall follow the guidelines of the

Apex Court in **Arnesh Kumar v. State of Bihar**¹ and also the procedure contemplated under Section 41-A of Cr.P.C., during the course of investigation and appropriate action shall be taken against the petitioner.

5. This Court, having considered the rival submissions and as the contention of the petitioner that the proceedings in the aforesaid crime are liable to be quashed cannot be accepted, is of the considered view that the Investigating Authority shall follow the guidelines of the Apex Court in **Arnesh Kumar's case** (1 supra) and shall follow the procedure contemplated under Section 41-A of Cr.P.C., before effecting arrest of the petitioner.

6. With the above observation, the Criminal Petition is disposed of.

7. Miscellaneous petitions, if any pending in this criminal petition, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 15th May, 2019

KL

¹ (2014) 8 SCC 273

15

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**CRIMINAL PETITION No.2407 of 2019**Date: 15th May, 2019

KL