

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CRIMINAL PETITION No.2468 of 2019

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C., seeking to quash the proceedings in Cr.No.124 of 2019 on the file of Godavari Khani I Town Police Station, Peddapalli District, registered for the offences punishable under Sections 290 & 506 of IPC and under Section 3(1)(r)(s) 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 she abused him in filthy language by touching his caste name ST Koya and threatened him with dire consequences.

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

¹ (2014) 8 SCC 273

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

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