

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CRIMINAL PETITION No.2680 of 2019

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C., seeking to quash the proceedings in Cr.No.9 of 2019 on the file of Dornakal Police Station, Mahabubabad District, registered for the offences punishable under Sections 323, 188 read with 149 IPC and under Section 3(1)(A) of SCs & STs (POA) Amendment Act, 2015 (for short 'the Act'), against the petitioners/A1 to A7.

2. The petitioners contended that the de-facto complainant has made a complaint against them and others alleging that they abused him in filthy language in the name of his caste and also beat him. The petitioners further contended that none of the witnesses have stated anything against them in the FIR and that they never committed the aforesaid crime and they have been falsely implicated in the alleged offences to harass them. They further contended that since there is a bar from seeking anticipatory bail under the Act, they filed the present application seeking to quash the proceedings against them.

3. Learned counsel for the petitioners requested this Court to direct the police concerned to follow the procedure under Section 41-A Cr.P.C.

4. Learned Public Prosecutor submitted that before arresting the petitioners, 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

¹ (2014) 8 SCC 273

course of investigation and appropriate action shall be taken against the petitioners.

5. This Court, having considered the rival submissions and as the contention of the petitioners 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 petitioners.

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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