

THE HON'BLE JUSTICE K.LAKSHMAN

**CRIMINAL PETITION Nos.4744, 4745, 4746, 4747 and
4748 OF 2020**

COMMON ORDER:

All these Criminal Petitions, under Section 482 Cr.P.C., are filed by the petitioners/accused No.7, accused No.6, accused No.10, accused No.8 and accused No.9, respectively, seeking to quash the proceedings against them in Crime No.85 of 2020 on the file of Dindi Police Station, Nalgonda District. The offences alleged against them are punishable under Sections 341, 353, 332 and 323 read with 34 IPC and Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984 (for short the 'PDPP Act').

2. Heard Sri R. Anurag, learned counsel for the petitioners as well as the learned Public Prosecutor. Perused the record.

3. Learned counsel for the petitioners would submit that the names of the petitioners are not mentioned in the complaint dated 27.08.2020. He would further submit that the police have recorded the statement of the *de facto* complainant under Section 161 Cr.P.C., and in the said statement also the names of the petitioners are not there. Even then, the police are trying to apprehend the petitioners. The contents of the complaint do not disclose the offences alleged against the petitioners and there are no specific overt acts attributed against these petitioners. He would further submit that due to the disputes with regard to power connection, the 2nd respondent has implicated the petitioners in a false case.

4. On the other hand, learned Public Prosecutor would submit that there are serious allegations against the petitioners. The 2nd

respondent is a Lineman in Electricity Department and therefore, he might not aware of the names of the villagers including the petitioners. May be for the said reason, he has not mentioned the names of the petitioners, but however, he has mentioned that some people have attacked him. The matter is under investigation. There is every possibility of petitioners interfering with the investigation. With the said submissions, learned Public Prosecutor sought to dismiss the present criminal petitions.

5. On a perusal of the complaint, dated 27.08.2020 lodged by the de facto complainant, it is specifically mentioned that some of the villagers collectively attacked the *de facto* complainant and assaulted him. The allegations are specific. Even in the statement under Section 161 Cr.PC., the *de facto* complainant reiterated the said facts. In the remand report, dated 30.08.2020, the said facts are mentioned. There are many factual aspects in the complaint. Therefore, the said facts are the matters to be investigated by the police.

6. Considering the said aspects and also the fact that the punishment for the offences alleged against the petitioners is imprisonment for seven years and below seven years, all the Criminal Petitions are disposed of directing the Police, Dindi Police Station, Nalgonda District, to follow the procedure laid down under Section 41-A Cr.P.C., and also the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar and another**¹. Till completion of investigation and filing of charge sheet, the Police are directed not to arrest the petitioners – accused in the above said

¹ (2014) 8 SCC 273

crime. It is made clear that if the police wants to invoke Section 41-A (4) of Cr.P.C., they are at liberty to do so.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE K. LAKSHMAN

7th October, 2020

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Date: 07.10.2020

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