

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

**Criminal Petition Nos.5300, 5301, 5302, 5277, 5278, 5279, 5280, 5281
and 5282 of 2020**

COMMON ORDER:

These Criminal Petitions are filed under Section 482 Cr.P.C., to quash the proceedings against respective petitioners in Crime No.85 of 2020 pending on the file of Dindi Police Station, Nalgonda District. The petitioner in CrI.P.No.5300 of 2020 is A.21, CrI.P.No.5301 of 2020 is A.22, CrI.P.No.5302 of 2020 is A.19, CrI.P.No.5277 of 2020 is A.25, CrI.P.No.5278 of 2020 is A.26, CrI.P.No.5279 of 2020 is A.27, CrI.P.No.5280 of 2020 is A.28, CrI.P.No.5281 of 2020 is A.24 and CrI.P.No.5282 of 2020 is A.20 in the above said crime. The offences alleged against the petitioners are under Sections 341, 353, 323 read with 34 IPC and 3 & 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 there 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. 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 application.

5. On 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

¹ (2014) 8 SCC 273

investigation and filing of charge sheet, the Police are directed not to arrest the petitioners - accused in the above said crimes.

Miscellaneous petitions, pending if any, shall stand closed.

K. LAKSHMAN, J

Date: 21.10.2020.

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