

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO: 8047 OF 2021

Between:

Kashetti Lachakka, W/o.Chandraiah, Age 54 years, Occ. House Wife,
R/o.Thummenala Village of Dharmapuri Mandal, Dist. Jagtial.

...PETITIONER/ACCUSED NO.1

AND

1. The State of Telangana, through SHO PS Dharmapuri Rep. by Public
Prosecutor, High Court for the State of Telangana.
...RESPONDENT/COMPLAINANT
2. Vemula Linganna, S/o. Narsaiah, Age 42 years, Caste. SC Mala, R/o.
Thummenala Village, Dist. Jagtial. Occ. Not Known.

...RESPONDENT/DEFACTO COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings in FIR No.119/2021, dated 01.04.2021 on the file of SHO PS Dharmapuri against the Petitioner/Accused No.1

I.A. NO: 1 OF 2021

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant stay of all further proceedings in FIR No.119/2021, dated 01.04.2021 on the file of SHO PS Dharmapuri against the Petitioner/Accused No.1

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri KONDADI AJAY KUMAR, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent No1.

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.8047 OF 2021

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/A1 seeking to quash the proceedings against her in Crime No.119 of 2021 of Dharmapuri Police Station, Jagtial, registered for the offences punishable under Sections 294-b, 506, 341 read with 34 of I.P.C. and Sections 3(1)(r)(s) & 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Heard the learned counsel for the petitioner/A1, the learned Assistant Public Prosecutor representing the respondent No.1/State and perused the record.

3. Having submitted for a considerable time, learned counsel for the petitioner/A1 made a request to this Court to direct the investigating agency to follow the procedure prescribed under Section 41A of Cr.P.C. and to follow the guidelines prescribed by the Honourable Apex Court in **Arnesh Kumar v. State of Bihar and another**¹, on the ground that the maximum sentence of imprisonment prescribed for the alleged offences is below (7) years.

4. The learned Assistant Public Prosecutor representing the respondent No.1/State conceded the request of the learned counsel for the petitioner/A1.

¹ AIR 2014 SC 2756

5. Since the allegations made in the subject crime constitute the offences alleged, it is not appropriate to quash the proceedings in the subject crime against the petitioner/A1. However, in view of the request made on behalf of the petitioner/A1, the Station House Officer, Dharmapuri Police Station, Jagtial, is directed to follow the procedure laid down under Section 41A of Cr.P.C. before arresting the petitioner/A1 and strictly adhere to the guidelines formulated by the Honourable Apex Court in **Arnesh Kumar's** case (supra).

6. With the above observations and direction, the Criminal Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Judicial First Class Magistrate ,at Jagtial.
2. The Station House Officer, Dharmapuri Police Station , Jagtial District.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. KONDADI AJAY KUMAR Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

CDL

TR

HIGH COURT

DATED:09/11/2021

ORDER

CRLP.No.8047 of 2021



DISPOSING OF THE CRIMINAL PETITION

⑧ VW
18/11/21