

HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION Nos.415 AND 416 OF 2022

COMMON ORDER:

Heard Mr. Gandyadapu Rajesham, learned counsel for the petitioners and learned Assistant Public Prosecutor appearing on behalf of respondent No.1 - State, and perused the record.

2. As per the complaint dated 05.01.2022, the allegations against the petitioners herein in Crime No.2 of 2022 are that they have assaulted respondent No.2, police constable when he went to the spot while conducting survey. In the complaint dated 05.01.2022 in Crime No.1 of 2022, the allegations are that the accused have assaulted on respondent No.2 during survey. Thus, the allegations are same with regard to the same incident.

3. A suit vide O.S. No.203 of 2021 filed by some of the petitioners against respondent No.2 herein and two others for declaration of title and injunction in respect of the suit schedule property therein is pending. In the complaints itself, there is specific mention about the ordering of survey by the learned Junior Civil Judge, Pargi in the said suit. Thus, there are several factual aspects to be investigated into by the Investigating Officer during the course of investigation including the allegations made by respondent No.2 in the complaint dated 05.01.2022 in both the crimes. With regard to the very same incident, on the complaint lodged by the police constable and respondent No.2, the very same police have registered the above said two crimes i.e., Crime No.1 of 2022 for the offences under Sections - 324, 427, 504 and 506 read with

149 of IPC and Crime No.2 of 2022 for the offences under Sections - 332 and 504 read with 34 of IPC. Therefore, there are several factual aspects including the allegation made by respondent No.2 in both the crimes. Punishment prescribed for the offences alleged against the petitioners in both the crimes is below seven years.

4. Considering the above said aspects, both the Criminal Petitions are disposed of directing the Investigating Officer in Crime Nos.01 of 2022 and 02 of 202 of Mohamadbad Police Station, Mahabubnagar District, to strictly follow the procedure laid down under Section - 41A of Cr.P.C. and also the guidelines issued by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹. However, the petitioners shall co-operate with the Investigating Officer by furnishing information and documents, as sought by him in concluding the investigation.

As a sequel, the miscellaneous petitions, if any, pending in both the Criminal Petition shall stand closed.

19th January, 2022
Mgr

K. LAKSHMAN, J

¹. (2014) 8 SCC 273