

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.5597 of 2023

Order:

This Criminal Petition, under Section 482 Cr.P.C., has been filed on behalf of the petitioners herein/A3 and A4 to quash the proceedings in Crime No.234 of 2023 of Kurnool III Town Police Station, Kurnool, registered for the offences punishable under Sections 448, 323, 506 r/w 34 IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SCs and the STs (PoA) Act.

2. Learned counsel for the petitioners, after arguing for some time, has confined his argument to the extent of protecting the petitioners herein from the police on the ground that the offences alleged are punishable with imprisonment of less than seven years and prays this Court to direct the police to follow the procedure as contemplated under Section 41A of Cr.P.C.

3. On the other hand, learned Assistant Public Prosecutor did not oppose the same and concurred with the submission made by the learned counsel for the petitioners for the reason that the offences alleged are punishable with imprisonment of less than seven years.

4. Heard. Perused the material on record.

5. Since the offences alleged are punishable with imprisonment of less than seven years, this Court directs the police to follow the

procedure as contemplated under Section 41A of Cr.P.C. scrupulously as per the guidelines enunciated in ***Arnesh Kumar Vs. State of Bihar and another***¹.

6. With the above directions, the Criminal Petition is disposed of.
7. As a sequel thereto, the miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

K. SREENIVASA REDDY, J.

Date:07.08.2023
ASR

¹ (2014) 8 SCC 273

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.5597 of 2023

Date:07.08.2023

ASR