

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.6285 of 2015

BETWEEN

B.Sreekanth and others

... PETITIONERS

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary (Department of Home),
Secretariat Building, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioners' grievance is that respondent Nos.4 and 5 are trying to arrest them contrary to the law laid down by the apex court in ***Arnesh Kumar v. State of Bihar***. Petitioners state that FIR No.41 of 2015 is pending against them on the file of respondent No.4, which is registered on the complaint of respondent No.6, and apprehending arrest without following the ratio of the decision aforesaid, petitioners approached this court by this writ petition.

3. Instructions of the learned Government Pleader show that respondent No.6 filed a complaint of cheating, on the basis of which a case in crime No.41 of 2015 was registered and the investigating officer has already inspected the scene of offence, recorded the statements of seven witnesses, conducted enquiry with the parents of the accused, and that while respondent Nos.4 and 5 are trying to serve notice under Section 41A Cr.P.C., the present writ petition is filed.

4. In view of the above instructions, since respondent Nos.4 and 5 are following the law laid down by the Supreme Court, referred to above, and are stated to be making attempts to serve notice as prescribed under Section 41A Cr.P.C. to the petitioners, the very grievance of the petitioners in this writ petition does not any more survive.

5. Learned counsel for the petitioners states that if notice under Section 41A Cr.P.C. is issued to the petitioners, they will receive the same and cooperate with the investigating officer.

6. In that view of the matter, writ petition is disposed of directing respondent Nos.4 and 5 to serve notice on the petitioners and thereafter proceed further with the investigation.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

March 30, 2015

LMV