

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2101 of 2015

ORDER :

The petitioner filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with a crime to be registered against him by Challapalli P.S., Krishna District on the basis of a report given by his wife by name Mrs. Divyasri for the offences punishable under Section 498-A IPC and Sections 3 & 4 of the Dowry Prohibition Act.

The learned Public Prosecutor, on instructions, submits that till date the police did not receive any report against the petitioner from Mrs. Divyasri.

On the other hand, the learned counsel for the petitioner submits that though a report was received, the police have not registered any crime till date. According to him, the police are likely to register a crime against the petitioner for the offences alleged.

If a crime is going to be registered against the petitioner, basing on a report given by Mrs. Divyasri, for the offences punishable under Section 498-A IPC and Sections 3 & 4 of the Dowry Prohibition Act, the Investigating Agency shall scrupulously follow the conditions stipulated in Section 41 Cr.P.C. and also the judgment of the Apex Court in ***Arnesh Kumar v. State of Bihar and another***^[1] before taking any coercive steps against him.

With the above direction, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

13th March, 2015
cbs

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[\[1\]](#) 2014 (2) ALT (CrI.) 457 SC