

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.778 of 2015

ORDER:

The present application is filed under Section 438 Cr.P.C. seeking release of the petitioners in the event of their arrest in an un-registered crime, which according to the petitioners is going to be registered before Women Police Station, Kadapa for the offence punishable under Section 498-A IPC and other provisions of Dowry Prohibition Act.

Learned Public Prosecutor on instructions submits that the concerned police station has not received any report from the informant till date.

The material on record discloses that the petitioner No.1 herein filed O.P.No.112 of 2014 under Section 13(1) (ia) (ib) of Hindu Marriage Act seeking divorce. The said O.P. was filed on 17-12-2014.

Learned counsel for the petitioners submits that as a counter blast to the said O.P. there is every likelihood of informant lodging a false report against the petitioners. He also submits that the petitioners 4 and 5 are Head constables working in Kadapa district and they have been summoned by the Deputy Superintendent of Police for interrogation, though no crime is registered.

Having regard to the said circumstances, the Investigating agency shall give notice under Section 41 Cr.P.C. and also follow the judgment of Apex Court in ***Arnesh Kumar v. State of Bihar and another***^[1], before taking any coercive steps against any of the petitioners herein. Accordingly, the Criminal Petition is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

10-02-2015

nvl

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