

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 8274 of 2015

ORDER :

The petitioner, who is accused No.2 in Crime

No. 523 of 2013 of Ghatkesar Police Station, Cyberabad, filed the present application under Section 482 Cr.P.C. seeking quashing of proceedings in the said Crime registered for the offences punishable under Sections 420, 416, 464 and 468 IPC.

Though the learned counsel for the petitioner filed the present petition seeking quashing of proceedings in Crime No.523 of 2013, he restricts his prayer seeking a direction to the Investigating agency to follow the conditions stipulated in Section 41-A Cr.P.C.

Heard learned Additional Public Prosecutor appearing for the respondent-State.

From a plain reading of Section 41 Cr.P.C., it is clear that the police officer, before arresting any person, has to be satisfied that such an arrest is necessary in terms of clauses (a) to (e) of Section 41(1)(b)(ii) Cr.P.C. and he has to record reasons while making such arrest.

In view of the above and as all the offences alleged are punishable with imprisonment up to seven years only, it is ordered that the investigating officer shall scrupulously follow the conditions stipulated in Section 41-A Cr.P.C. and also the judgment of the Apex Court in ***Arnesh Kumar v. State of Bihar and another*** before taking any coercive steps against the petitioner.

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

JUSTICE C. PRAVEEN KUMAR

6th October, 2015

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