

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.11803 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in FIR.No.443 of 2016 of Ongole Tq Police, Prakasam District, registered for the offence punishable under sections 420 r/w.34 IPC.

Heard the learned counsel appearing for the petitioners/A1 to A3 and the learned Additional Public Prosecutor, representing the State.

Specific allegations were made against the petitioners/A1 to A3 in the complaint. This is a matter which requires investigation by the police. The truth or otherwise of the allegations can only be decided during course of investigation. I see no ground to interdict the investigation at this stage and quash the first information report.

Further, it is brought to the notice of this Court that the petitioners herein are being implicated in different cases and one of such cases is Crime No.64 of 2016 on the file of the Station House Officer, II Town Police Station, Ongole. Against the said crime, the petitioners and two others filed W.P.No.16154 of 2016. This Court *vide* order dated 12.05.2016 in W.P.M.P.No.19943 of 2016 in W.P.No.16154 of 2016 directed that the investigation should be proceeded with without arresting the petitioners therein.

In view of the above, the investigating agency is directed not to arrest the petitioners/A1 to A3 without scrupulously following the procedure, as envisaged under Section 41-A Cr.P.C and as held by the Apex Court in

Arnesh Kumar v. State of Bihar^[1].

The Criminal Petition is accordingly disposed of.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL, J

Date: 11.08.2016

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