

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

CRIMINAL PETITION No.11648 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in Cr.No.71 of 2016 of Vatsavai P.S, Krishna District, registered for the offences punishable under sections 447 and 427 r/w.34 IPC.

Heard the learned counsel appearing for the petitioners/A3 & A4 and the learned Additional Public Prosecutor, representing the State.

Specific allegations were made against the petitioners/A3 & A4 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.

In the facts and circumstances of the case and as requested by the learned counsel for the petitioners, the Criminal Petition is disposed of, directing the investigating agency not to arrest the petitioners/A3 & A4 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] during course of investigation.

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

M.S.K.JAISWAL,J

Date: 11.08.2016

Dsr

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