

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.15748 OF 2016

ORDER:

This criminal petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed to quash the proceedings in Cr.No.88 of 205 of III Town Police Station, Karimnagar, registered against the petitioners for the offences punishable under Sections 420, 406 read with 34 IPC.

The case of the second respondent, who is the defacto complainant, is that the petitioners made a fraudulent representation and believing the same, the respondent parted with huge amount but petitioners did not fulfill the promise made and as such, they cheated the respondent.

As seen from the allegations of F.I.R. on its face value, it constitutes the offences punishable under Sections 420 and 406 read with 34 IPC, *prima facie*, if proved.

At this stage, the learned counsel for the petitioners requested to pass an order or direction to police to follow the procedure as contemplated under Section 41-A Cr.P.C. and the guidelines laid down by the Supreme Court in **ARNESH KUMAR v. STATE OF BIHAR AND ANOTHER**¹.

Acceding the request of the counsel for the petitioners, I deem it appropriate to direct the police to follow the procedure as contemplated under Section 41-A Cr.P.C. and the guidelines laid down by the Apex Court in **ARNESH KUMAR v. STATE OF BIHAR AND ANOTHER (1st cited)**.

¹ 2014(8) SCALE 250

- 2 -

Accordingly, this Criminal Petition is disposed of directing the Police, III Town Police Station, Karimnagar, to follow the procedure as contemplated under Section 41-A Cr.P.C. and the guidelines laid down by the Apex Court in **ARNESH KUMAR v. STATE OF BIHAR AND ANOTHER** (*1st cited*).

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 07.11.2016
BV

