

THE HON'BLE MRS JUSTICE ANIS
CRIMINAL PETITION No.14159 of 2016

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C., to quash notice dated 31.08.2016, issued by respondent No.1, under Section 41A Cr.P.C. pursuant to FIR.No.180 of 2013 of II Town Police Station, Visakhapatnam, for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act.

Heard learned counsel for the petitioner and learned Public Prosecutor for the State.

Learned counsel for the petitioner submits that, pursuant to the notice, under Section 41A Cr.P.C., the petitioner apprehends that, in case of his appearance before police, he may be arrested.

Section 41A Cr.P.C. reads as under:

Notice of appearance before police officer:-

The police officer shall, in all cases where the arrest of a person is not required under the provisions of sub-section (1) of Section 41, issue a notice directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice.

The provision itself clearly provides that notice under Section 41A Cr.P.C. would be issued where the arrest of a person is not required. The apprehension of the petitioner, therefore, is baseless.

In view of the facts and circumstances of the case, this Court is not inclined to interfere with investigation. However, the Station House Officer, II Town Police Station, Visakhapatnam is hereby directed not to arrest the petitioner – A.1 in FIR.No.180 of 2013 till

completion of investigation or filing of charge sheet.

With the above direction, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Date:29.09.2016
usd

JUSTICE ANIS

