

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

CRIMINAL PETITION No.11348 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in Cr.No.350 of 2016 of Medipally P.S, Cyberabad, registered for the offences punishable under sections 420 and 506 r/w.34 IPC.

Heard the learned counsel appearing for the petitioners/A1 to A4 and the learned Additional Public Prosecutor, representing the State.

Specific allegations were made against the petitioners/A1 to 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 view of the above, since it is stated that the police have already issued 41-A Cr.P.C. notice to the petitioners/A1 to A4, the petitioners/A1 to A4 are directed to comply with the said notice and appear before the concerned police and explain their point of view and pending the same, the investigating agency is directed not to arrest the petitioners/A1 to 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].

The Criminal Petition is accordingly disposed of.

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

M.S.K.JAISWAL,J

Date: 03.08.2016

Dsr

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