

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.12603 of 2010

ORDER:

Heard the learned counsel for the petitioner/ accused persons of Cr.No.405 of 2010 of Taluk Police Station, Ongole, registered for the offences punishable under Sections 186,188,190,35 and 506 and 34 IPC, which is outcome of report of the 2nd respondent-MVI and also heard the learned Public Prosecutor representing respondents and perused the grounds urged in the quash petition and the FIR. What is the bar if at all under Section 195 Cr.P.C. is to take cognizance from the very wording of Section 195(1) and (3) and not for investigation and as such from the said offences otherwise prima facie show there is nothing for this Court to interdict the investigation.

Having regard to the above, the Criminal Petition is disposed of, without prejudice to all defences available to the petitioners, directing the police to complete the investigation and file final report at any cost within three months from the date of receipt of the order. Needless to say if at all any arrest is required, the police shall follow Section 41-A of CrPC, and also the guidelines in Arnesh Kumar Vs. State of Bihar¹.

Consequently, miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 17.08.2017
vvr

¹ (2014) 8 SCC 273