

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7148 of 2017

ORDER:

Heard the learned counsel for the petitioners/A.1 to A.4 of Cr.No.46 of 2017 of Udayagiri Police Station, SPSR Nellore District, registered for the offences punishable under Sections 403,406,420 and 506 r/w 34 IPC and also the learned Public Prosecutor for the 1st respondent-State before ordering notice to the 2nd respondent and perused the quash petition grounds and the First Information Report.

There is some force in the contention of the learned counsel for the petitioners that from very reading of First Information Report at best Section 506 IPC that attracts read with 34 IPC. There is nothing to show that the petitioners have any privy of any offence of cheating or criminal breach of trust in sale of the turmeric in the name of the so called farmers by crediting to their accounts by somebody to embezzle the public funds.

Having regard to the above, even from this, there is nothing to interdict the investigation but for to say if at all any arrest of the petitioners is required, the police shall follow Section 41-A of CrPC, and also the guidelines in **Arnesh Kumar Vs. State of Bihar**¹.

Accordingly and in the result, the Criminal Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 18.08.2017
vvr

¹ (2014) 8 SCC 273