

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7549 OF 2017

ORDER:

Heard learned counsel for the petitioner/A2 of Crime No.176 of 2017, on the file of P.S., Adibatla, Rachakonda District, registered for the offences punishable under Sections 447, 427, 506, 147 r/w 149 IPC, on the report of the 2nd respondent and also heard the learned public prosecutor, representing the 1st respondent – State, before ordering notice to the 2nd respondent and perused the contents of the FIR and the grounds urged in the quash petition.

2. In fact, there is nothing to interdict the investigation but for if at all to observe that pending investigation, if at all there is any necessity of arrest of the petitioner for the offences not punishable more than seven years, the police shall strictly follow Section 41A of Cr.P.C. and the guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***¹. All defenses of the petitioner/accused are left open.

3. Accordingly and with the above directions, this Criminal Petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

12.09.2017
SS

DR.B.SIVA SANKARA RAO,J

¹ 2014 (5) SCC 324