

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42914 of 2016

ORDER:

This writ petition is filed seeking to declare the action of the 3rd respondent in registering a crime in FIR No.931 of 2016 against the petitioner for the alleged offences under Sections 409, 419, 420, 468, 471, 474 IPC, on the file of Uppal Police Station, Uppal, Hyderabad, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioner is that the 4th respondent lodged the present complaint against the petitioner and others alleging that the petitioner, who is A-3, advised A-1 to forge the signatures of the superiors to get over the rush of the work in view of the urgency in granting permission to the Security Agencies. Basing on the said complaint, the 3rd respondent registered a crime in FIR No.931 of 2016 for the offences under Sections 409, 419, 420, 468 & 471 IPC.

The main grievance of the petitioner is that since A-1 & A-2 were arrested by the police and that the 3rd respondent is trying to arrest the petitioner.

Learned Assistant Government Pleader for Home, basing on the written instructions furnished by the 3rd respondent, submitted that from the confession statements of A-1 & A-2 recorded by the 3rd respondent, it is evident that there is involvement of the petitioner in the above said crime. Learned Assistant Government Pleader further submitted that the investigation is in progress and the case is pending for collection of evidence and material objects and that already notice under Section 41-A Cr.P.C. was issued to the petitioner. Learned Assistant Government Pleader further informed that the 3rd respondent

is following the procedure in accordance with the notice under Section 41-A Cr.P.C.

Considering the facts and circumstances of the case and the submissions of the learned Assistant Government Pleader for Home, the 3rd respondent is directed to scrupulously follow the conditions stipulated under Section 41-A Cr.P.C. and the guidelines laid down by the Apex Court in ***Arnesh Kumar v. State of Bihar and another***¹, before taking any coercive steps against the petitioner.

With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO,J

Date: 2nd January, 2017

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¹ 2014 (2) ALT (GrI.) 457 SC