

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2731 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to quash the First Information Report in Crime No.08 of 2017 of Mamnoor Police Station, Warangal City.

2. The petitioners herein are arraigned as accused Nos.1 to 3 in the aforesaid crime. They alleged to have committed the offences punishable under Sections 420, 465, 468, 447 and 506 read with 34 I.P.C.

3. Sri J. Venkateswara Reddy, learned counsel for the petitioners, would submit that respondent No.2 – *de facto* complainant is no other than brother of petitioner No.1 and even a Suit is pending for partition of family properties and, therefore, the present complaint is only 'civil in nature'.

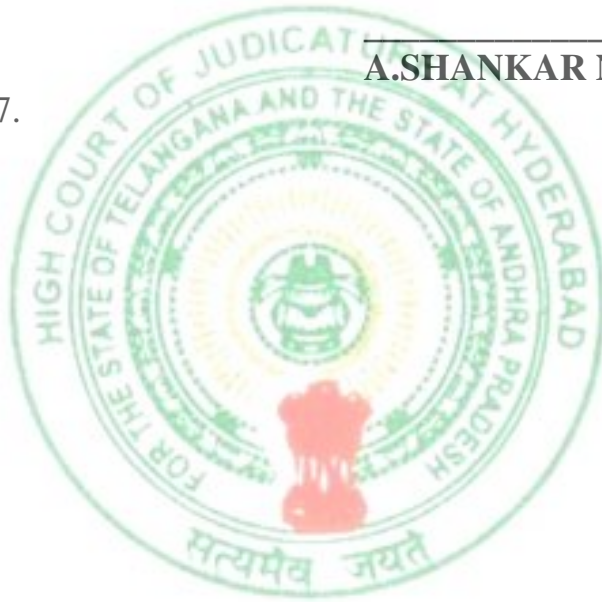
4. Though, the learned counsel for petitioners initially argued on the aforesaid lines, but, however, requests to direct the Investigating Officer to follow the procedure inlaid by the provisions of Section 41A of the Code, since, the offences alleged against the petitioners are punishable with imprisonment less than seven years or which may extend to seven years.

4. The request appears to be reasonable. Therefore, while disposing of the present Criminal Petition, the Investigating Officer is directed to follow the procedure inlaid by the provisions of Section 41A of the Code and also to follow the guidelines laid down by the Honourable Supreme Court in **Arnesh Kumar v. State of Bihar and another**¹.

5. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

April 04, 2017.
MD

A.SHANKAR NARAYANA, J



¹2014 (8) SCC 273