

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2017 of 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') requesting to quash the First Information Report in Crime No.47 of 2017 of Women Police Station, Saroornagar.

2. The petitioners herein are arraigned as accused Nos.1, 2, 3, 5, 6 and 7 and they alleged to have committed the offences punishable under Sections 498-A and 506 of the Indian Penal Code, 1860 (IPC).

3. Heard, Sri C.D.S.B. Venkata Rao, learned counsel for the petitioners and learned Additional Public Prosecutor for the State of Telangana.

4. Though, the learned counsel for the petitioners raised certain factual aspects mainly contending that the present complaint is nothing but a counter blast to the earlier petition filed by the husband i.e., petitioner No.1 herein, and, in fact, petitioner Nos.2 and 3 are not related to the *de facto* complainant and petitioner No.1, however, he restricts his request to the extent of directing the police to observe the procedure inlaid by the provisions of Section 41-A of the Code. The learned counsel has drawn the attention to the order passed in W.P.No.4733 of 2017 concerning the very same crime, wherein, by order, dated 27.02.2017, this Court expressed that the police should follow due process of law while investigating the crime and closed the said writ petition.

5. Of course, the provisions of Section 41-A of the Cr.P.C. are not specifically mentioned in the order. However, when the observation is to the effect that the police are empowered to conduct investigation but should follow due process of law also while investigation, would mean that, in case the provisions of Section 41-A CrP.C. would attract, invariably, the Investigating Officer has to follow the procedure inlaid therein. Even otherwise, the Investigating Officer is directed to follow the procedure inlaid in Section 41-A Cr.P.C. while investigating the crime.

6. With the above observation, the criminal petition is disposed of.

7. As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

March 13, 2017.

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A. SHANKAR NARAYANA, J

