

HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL PETITION No. 8156 of 2011

ORDER:

This Criminal Petition has been filed seeking to quash the Proceedings in FIR No.48 of 2011 on the file of P.S.Padmanabham, Visakhapatnam against the Petitioners/ A-4,A-5,A-7 to A-9, A-11, A-13, A-19,A-21 and A-22 for the Offences punishable under Sections 447, 427, 506 r/ w.34 IPC and Section 3(i)(x) of SCs & STs (POA) Act, 1989.

2. Heard the learned counsel for the Petitioners and the learned Public Prosecutor.

3. The learned counsel for the Petitioner submits that the accused, who was arrayed as A-1 in the above crime, has filed CrI.P.No.7836 of 2011 before this Court seeking to quash the Proceedings against him and this Court, while dismissing the above criminal petition directed the Station House Officer, P.S.Padmanabham not to arrest the petitioner/A1 therein, till completion of the investigation, without following due process of law as contemplated under Section 41A of Cr.P.C.

4. The learned Public Prosecutor submits that the Orders passed in CrI.P.No.7836 of 2011 may be passed in this petition also, as the facts and circumstances and the petitioners are similar in this case.

5. A perusal of the record reveals that this Court granted interim Orders on 08.09.2011, and the same has been in force till date. In the light of the submissions made by both sides and in view of the earlier orders passed by this Court in CrI.P.No.7836 of 2011 and also in view of the Judgment of the Apex Court in Arnesh Kumar v.State of Bihar¹, I am inclined to direct the Station House Officer, P.S. Padmanabham not to arrest the Petitioners/ A-4,A-5,A-7 to

¹ 2014(8) SCALE 250

A-9, A-11, A-13, A-19,A-21 and A-22 in the above crime, till completion of investigation, without following the procedure contemplated under Section 41A of the Cr.P.C.

6. With the above observations, the criminal petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand dismissed.

GUDISEVA SHYAM PRASAD, J

06th October, 2017
Mj/l

