

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2246 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.187 of 2016 of Badwel (U) Police Station, Y.S.R. Kadapa District.

2. The petitioners are arraigned as accused Nos.1 to 3. They alleged to have committed the offences punishable under Sections 447 and 427 read with 34 I.P.C.

3. Sri Narasimhulu Parise, learned counsel for the petitioners, having argued the matter, however, confines the request to the extent of directing the Investigating Officer to follow the procedure inlaid by the provisions of Section 41A of the Code.

4. Since the offences alleged against the petitioners are punishable with imprisonment for a period less than seven years, the Investigating Officer has to invariably follow the procedure inlaid by the provisions of Section 41A of the Code, in view of the guidelines laid down by the Honourable Supreme Court in **Arnesh Kumar v. State of Bihar and another**¹.

¹2014 (8) SCC 273

5. With the above observation, the present Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

March 17, 2017.
MD

