

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40786 of 2016

ORDER:

This writ petition is filed seeking to quash the FIR No.264 of 2016, dated 15.09.2016, on the file of the Musheerabad Police Station, Hyderabad.

Heard and perused the material available on record.

The case of the petitioner is that the 3rd respondent lodged the present complaint against the petitioner alleging that the marriage between the sister of the 3rd respondent and the petitioner was performed on 21.04.2005 in the presence of their elders and they are blessed with two children. It is further alleged that the 3rd respondent got information that his sister is admitted in the hospital and immediately when the 3rd respondent rushed to the hospital, the petitioner did not allow him to take with his sister and forcibly stopped him and the petitioner started hitting the 3rd respondent with hands and legs and threatened to kill the 3rd respondent, due to which the 3rd respondent got injuries on his left ear and on the chest and on the face. Based on the above said complaint, the 2nd respondent registered a case in FIR No.264 of 2016, against the petitioner for the offences under Sections 341, 323 & 506 IPC.

The main grievance of the petitioner is that the 2nd respondent is trying to arrest the petitioner under the guise of the above said crime.

Considering the facts and circumstances of the case, the 2nd respondent is directed to issue notice under Section 41-A Cr.P.C. to the petitioner and the 2nd respondent shall proceed with the investigation in FIR No.264 of 2016 by scrupulously following 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.

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: 4th January, 2017

KL



¹ 2014 (2) ALT (GrI.) 457 SC