

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.24569 OF 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue writ of mandamus declaring the action of the respondents in adding new section to the FIR No.61 of 2015, dated 11.03.2017 on the file of Mattampally Police Station, Suryapet District, basing on the administrative orders issued by the S.D.P.O., Kodad, as illegal and arbitrary and consequently direct the respondents not to act upon further on the FIR No.61 of 2015, dated 11.03.2017.

2. After arguing the matter for sometime, learned counsel for the petitioners requested this Court to direct the Station House Officer/Investigating Officer to follow the procedure under Section 41-A Cr.P.C. without touching the merits of the main case.

3. Acceding to the request made by the learned counsel for the petitioners and without touching the merits of the main case and various contentions raised in the petition, the Station House Officer/Investigating Officer, Mattampally Police Station, Suryapet District, is directed to follow the procedure under Section 41-A Cr.P.C., and the guidelines issued by the Hon'ble Apex Court in a decision reported in *Arnesh Kumar V State of Bihar and another*¹.

4. Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending, in this Writ Petition shall stand closed.

M.SATYANARAYANA MURTHY, J

DATED: 13-11-2017.

Hsd

¹ (2014) 8 SCC 273