

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18304 of 2017

ORDER:

Heard both sides. With the consent of both parties the writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed seeking issuance of writ of Mandamus declaring the action of respondent Nos.4 and 5 in not following the procedure under Section 41-A of Cr.P.C. pertaining to FIR No.75 of 2017 of Tadikonda Police Station, Guntur Urban District, registered for the offences punishable under Sections 506, 363, 384, 420, 468, 471 and 120(B) read with Section 34 of IPC, as illegal and arbitrary.

3. As seen from the prayer, the request of the petitioner is to direct the respondents to follow the procedure contemplated under Section 41A of Cr.P.C. in Crime No.75 of 2017. The learned counsel for the petitioner places on record the judgment of the Apex Court in *Arnesh Kumar v. State of Bihar and another*¹ in support of his plea.

4. Learned Government Pleader would submit that if the offences mentioned in the said Crime are punishable with imprisonment for a period of seven years or less, then the respondent - police would follow the guidelines laid down in the judgment of the Apex Court in *Arnesh Kumar* case.

5. Recording the statements made, the writ petition is disposed of directing the Station House Officer, Tadikonda Police Station, Guntur Urban District – respondent No.5 to follow the judgment of the Hon'ble

¹ 2014 (2) ALT (Cri.) 457 (SC)

Apex Court in *Arnesh Kumar v. State of Bihar and another(supra)*, provided there is no alteration of FIR, as the offences alleged in the affidavit and in the FIR are punishable with imprisonment for a period of seven years and less. No costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

21.06.2017
vnb

