

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9706 OF 2017

ORDER:

Heard learned counsel for the petitioners/A1 and A2 of Crime No.140 of 2017 of P.S.Noothankal of Suryapet District, registered for the offences punishable under Sections 468, 471 r/w34 IPC and also heard the learned public prosecutor, representing the 1st respondent – State, before ordering notice to 2nd respondent and perused the grounds urged in the quash petition and the contents of the FIR and other material on record.

2. A perusal of the record shows nothing to interdict the investigation, however, so far as the role of 2nd petitioner concerned, it is not even the case that the patta by change of mutation in her name to in the name of A1 – her husband, leave about she is also daughter of the defacto complainant.

3. Having regard to the above, there shall be stay of arrest of the 2nd petitioner pending investigation and so far as the 1st petitioner concerned, he is entitled to the protection of Section 41A Cr.P.C. and in the event of any necessity of arrest of the 1st petitioner pending investigation, the police shall strictly following Section 41A Cr.P.C. and the guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***¹.

¹ 2014 (5) SCC 324

3. Accordingly and with the above observation, this criminal petition is disposed of. All defenses of the petitioners are left open. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

24.10.2017
SS

