

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9538 of 2017

ORDER:

This Criminal Petition is filed by the petitioners/ A3 and A4 under Section 482 Cr.P.C. seeking to quash the proceedings in Crime No.64 of 2017 of Undavelly Police Station, Jogulamba Gadwal District, registered for the offences punishable under Sections 379, 188 r/ w 34 I.P.C.

Heard the learned counsel for the petitioners and learned Public Prosecutor representing the State and perused the grounds urged in the quash petition, contents of F.I.R. and other material on record.

The petitioners are A3 and A4 among five accused. A perusal of the record no way enables the Court to interdict the investigation, but for, there is a bar under Section 195 Cr.P.C. for invoking Section 188 Cr.P.C. for the Police to register the crime to hold the same as unsustainable and allowed the Criminal Petition in part, without interdicting investigation.

So far as the offence under Section 379 r/ w 34 I.P.C., it is needless to say for similar concession given by the learned District Judge so far as A3 concerned to follow Section 41-A Cr.P.C. by the Police strictly, said concession is available to the petitioner/ A4 also that in the event of any requirement of his arrest, the Police strictly follow Section 41-A Cr.P.C. and the guidelines of the Apex Court as laid down in Arnesh Kumar v. State of Bihar¹

¹ (2014 (2) ALT (CrI.) 457 SC)

Accordingly, the Criminal Petition is partly allowed. All the defences are left open.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 12.10.2017

Note:

Issue C.C. today.

B/o.

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