

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

CRIMINAL PETITION No.3765 OF 2014

ORDER:

Heard learned counsel for the petitioners/accused of Crime No.178/2013 of III Town Police Station, Tenali, for the offences punishable under Sections 420, 505 and 120B of IPC and also heard the learned public prosecutor representing the 1st respondent – State and Sri Dheeraj Singh, learned counsel for the respondents 2 and 3 and perused the grounds urged in the quash petition and FIR and the material covered by C.C.No.234/2013, filed against some of the accused persons among others by the daughter of the respondents 2 and 3 herein, where the learned Magistrate has taken cognizance for the offence punishable under Sections 498A and 324 r/w 34 IPC, from the police final report, outcome of Crime No.107/2013.

2. From hearing and perusal of the material on record, there is nothing to interdict the investigation of Crime No.178/2013, but for to stay the trial of C.C.No.234/2013 for a period of three months, with a direction to the SHO, III Town Police Station, Tenali, to complete the investigation of Crime No.178/2013 and file the final report meanwhile and at any cost within two months and in the event of taking cognizance for both matters to be tried by same court simultaneously. Further remedies of petitioners are left open.

Needless to say, pending investigation, in the event of any necessity of arrest of the petitioner, the police shall strictly follow Section 41A of Cr.P.C. and the guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***¹.

3. Accordingly and with the above direction, this Criminal Petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

17.08.2017
SS

DR.B.SIVA SANKARA RAO,J



¹ 2014 (5) SCC 324