

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2155 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to quash the First Information Report in Crime No.163 of 2016 of P.S. Marredpally, Hyderabad City.

2. The petitioners are arraigned as accused Nos.1 and 2 in the aforesaid crime and alleged to have committed the offences punishable under Section 420 I.P.C.

3. Sri P. Kiran, learned counsel for the petitioners, though, initially, sought quashing of the crime and tendered arguments, but has restricted the request of the petitioners to that of directing the Investigating Officer to follow the procedure inlaid by the provisions of Section 41A of the Code.

4. Since the offence under Section 420 I.P.C. is punishable with a period of imprisonment which may extend to seven years, in view of the guidelines laid down by the Honourable Supreme Court in **Arnesh Kumar v. State of Bihar and another**¹, the Investigating Officer has to invariably follow the procedure laid down under Section 41A of the Code.

¹2014 (8) SCC 273

5. Accordingly, the Criminal Petition is disposed of directing the Investigating Officer to follow the guidelines laid down by the Honourable Supreme Court in **Arnesh Kumar**'s case (supra) and the procedure inlaid by the provision of Section 41A of the Code. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

March 16, 2017.
MD

