

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7415 of 2017

ORDER:

Heard learned counsel for the petitioners/accused Nos.1 to 5 in crime No.46 of 2017 of Udayagiri Police Station, Nellore District, registered for the offences punishable under Sections 403, 406, 420 & 506 r/w 34 IPC and also learned Public Prosecutor representing the 1st respondent-State and before ordering notice to respondent No.2-defacto complainant and perused the FIR and other material on record.

A perusal of the material on record no way enables the Court to interdict the investigation.

Having regard to the above, the Criminal Petition itself is disposed of without prejudice to all available defence of the accused, however, by making clear in the event of necessity of arrest, the police should follow strictly Section 41-A Cr.P.C. and guidelines of the expression of the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 30.08.2017
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¹ 2014 (8) SCC 273