

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No. 34145 OF 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India to quash proceedings in crime No. 46 of 2017 of Chaitanyapuri Police Station registered for the offence under Sections 406, 420, 324 r/w 34 IPC and 156 (3) Cr.P.C.

2. Respondent No. 4 filed a private complaint for the offence punishable under Sections 406, 420 and 324 read with 34 IPC making certain allegations and the same was referred to the police concerned by exercising power under Section 156 (3) Cr.P.C. by the magistrate. In turn, S.H.O., Chaitanyapuri P.S., registered the same as case in crime No. 46 of 2017. Now, the same has been challenged in the present Writ Petition.

3. After arguing the matter for sometime, learned counsel for the petitioner, requested this Court to direct respondent No. 3 to follow the procedure under Section 41-A Cr.P.C. and the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar and another**¹.

4. Acceding to the request of learned counsel for the petitioner, without touching the merits of the case, I deem it appropriate to direct respondent No. 3 to follow the procedure under Section 41-A Cr.P.C. and the guidelines issued by the Apex Court in **Arnesh Kumar** (*supra*).

¹ 2014 (2) ALT (CrI.) 457 (SC)

5. With the above direction, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed in consequence.

Date: 02-11-2017.

JSK

M.SATYANARAYANA MURTHY, J.

