

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.617 OF 2017

ORDER:

Sri Palle Nageswar Rao, learned counsel for the petitioners - accused Nos.1 to 5, having argued at length drawing attention of the Court to the complaint averments, of course, not exhaustively, pleads that the Investigating Officer or the concerned police may abide by the procedure envisaged by the provisions of Section 41A of the Code of Criminal Procedure, 1973.

2. The learned Additional Public Prosecutor appearing for the State of Telangana, would not object to the request of the learned counsel for the petitioners.

3. Perused the material available on record.

4. As seen from the petition averments, none of the offences clutched against the petitioners would exceed seven (7) years punishment. There is some debate whether the offence punishable under Section 354 of the Indian Penal Code, 1860, would attract in the present fact scenario. However, it is left over, in view of the fact that whether it is a wrong provision being mentioned. In fact, the very petition is filed to quash the First Information Report in Crime No.227 of 2016, dated 31.10.2016, of Central Crime Station, Hyderabad, Telangana State, registered for the offences punishable under Sections

420, 406, 452, 448, 354, 120(B) read with Section 34 of the Indian Penal Code, 1860.

5. Even without a direction to the police, it is mandatory for the police to invariably act in accordance with the statutory mandate contained in Section 41A of the Code of Criminal Procedure, 1973; still, the concerned police are directed to adhere to the said procedure as directed by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹.

6. Accordingly, the Criminal Petition is dismissed with the above observations.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J
January 27, 2016.

NOTE:

Dispatch the order by tomorrow i.e., 28.01.2017.

(BO) PV

¹ (2014) 8 SCC 273