

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2935 OF 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') requesting to quash the First Information Report in Crime No.691 of 2016 of Malkajgiri Police Station, Cyberabad.

2. The petitioners herein are arraigned as accused Nos.1 to 3 in the aforesaid crime and they alleged to have committed the offence punishable under Section 498-A of the Indian Penal Code, 1860 (IPC).

3. Heard Sri S. Sridhar, learned counsel for the petitioner and learned Additional Public Prosecutor for the State of Telangana.

4. Learned counsel for the petitioner, though, made certain submissions touching the ingredients of Section 498-A IPC, contending that the present fact-situation as reflected in the complaint would not attract the offence punishable under Section 498-A IPC, however, he restricts his prayer to the extent of directing the police to observe the procedure inlaid by the provisions of Section 41-A of the Code. The learned counsel has drawn the attention to the Memo filed before the X Metropolitan Magistrate, Cyberabad at Malkajgiri, by the Sub Inspector of Police, Malkajgiri Police Station-Investigating Officer, wherein, he mentioned that while the investigation was in progress, the complainant approached the Police Station and requested to drop further action on her earlier complaint against the accused

stating that they settled their issue amicably before the elders, a copy of which is filed along with the material papers.

5. It appears that in spite of the memo filed by the Investigating Officer, the Court below has not taken any final decision. Therefore, it is desirable to direct the Investigating Officer to follow the procedure inlaid by the provisions of Section 41-A of the Code and the guidelines laid down by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**¹.

6. With the above observation, the criminal petition is dismissed.

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

10th April 2017

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A. SHANKAR NARAYANA, J

¹ (2014) 8 SCC 273