

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.3314 of 2017

ORDER:

The present petition under Section 482 of the Code of Criminal Procedure, 1973 is filed to quash the First Information Report in Crime No.13 of 2017 of Women U/G Police Station, Kadapa.

The petitioners are arraigned as accused Nos.1 and 2 in the aforesaid crime. They alleged to have committed the offences punishable under Sections 498-A and 506 read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

Heard Sri N.V.R.Amaranath, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

Learned counsel for the petitioners has pointed out that the Police Station where the aforesaid crime is registered has no jurisdiction to take up the present complaint and enter into investigation, for the reason, the 1st petitioner has been working in Bengaluru and the *de facto* complainant stayed with him in Bengaluru. The 2nd point raised by the learned counsel is that the *de facto* complainant earlier lodged a similar complaint before Mahadevapura Police Station, Bengaluru, and the First Information Report, though, issued in that crime, the same has been kept pending and later, the present First Information Report was filed. Learned counsel would further submit that the anticipatory bail application filed by the petitioners before the Sessions Judge, Bengaluru, was allowed, but, when similar application in the present crime was filed

by the petitioners before the Sessions Judge, Kadapa, the same was dismissed. According to the learned counsel, the alleged harassment is converse in the sense, in fact, the mother-in-law, the 2nd petitioner herein, attempted to commit suicide, but the *de facto* complainant cleverly manipulated the same in such a way that she clutched both the petitioners in the commission of the offences alleged. Learned counsel would, however, urge to direct the police to follow the procedure inlaid by the provisions of Section 41A of the Code.

Irrespective of the averments contained in the complaint, since the direction sought by the learned counsel for the petitioners appears to be reasonable, the Investigating Officer is directed to follow the procedure under Section 41A of the Code and the guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹.

With the above direction, the Criminal Petition is dismissed at the stage of admission itself.

Miscellaneous petitions, if any, pending in the Criminal Petition stand closed.

A.SHANKAR NARAYANA, J

April 24, 2017
v v

¹ (2014) 8 SCC 273