

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7169 OF 2017

ORDER:

Heard learned counsel for the petitioner/A5 of Crime No.480 of 2017 on the file of SHO, PS Pendurthi, Visakhapatnam and also the learned public prosecutor, representing the 1st respondent – State, before ordering notice to the respondents 2 to 4 – defacto complainants and perused the grounds urged in the quash petition and the FIR.

2. Since the investigation is at nasal state, there is nothing to interdict the investigation.

3. Having regard to the above, this Criminal Petition is disposed of, with the observation that if at all any necessity of arrest of the petitioner is required for the offences punishable not more than seven years, the police shall strictly follow Section 41A of Cr.P.C. and the guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***¹. Needless to say, any material with the petitioner to show his innocence, he is at liberty to submit the same to investigation officer for there to consider as part of the investigation material.

4. Accordingly and with the above direction, this criminal petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

DR.B.SIVA SANKARA RAO, J

21.08.2017
SS

¹ 2014 (5) SCC 324