

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7984 of 2017

ORDER:

Heard learned counsel for the petitioners/accused Nos.1 & 2 in crime No.596 of 2017 of Vanasthalipuram Police Station, Rachakonda District, registered for the offences punishable under Sections 406, 420 & 506 IPC r/w 34 IPC, which is outcome of private compliant of the 2nd respondent-defacto complainant that was referred to the police under Section 156 (3) Cr.P.C. by the learned Magistrate and also learned Public Prosecutor representing the State and before ordering notice to respondent No.2-defacto complainant and perused the FIR and other material on record.

A perusal of the material on record shows there is nothing to interdict the investigation.

Having regard to the above, the Criminal Petition itself is disposed of without prejudice to all available defence of the accused, however, by making clear in the event of necessity of arrest, the police should follow strictly Section 41-A Cr.P.C. and guidelines of the expression of the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 06.09.2017
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¹ 2014 (8) SCC 273