

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2592 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), requesting to quash the First Information Report in Crime No.17 of 2017 of Women Police Station, Hyderabad.

2. The petitioners viz., D.V. Subramanyam, Smt. D. Lakshmi, Smt. Amrutha and M. Harikrishna, who are arraigned as accused Nos.2 to 5 respectively, alleged to have committed the offences punishable under Sections 498-A and 406 of Indian Penal Code, 1860 (IPC), and Section 4 of Dowry Prohibition Act, 1961.

3. Admittedly, accused No.1 viz., Devatha Dileep Kumar, who is husband of the *de facto* complainant - respondent No.2 herein viz., Smt. Meda Sirisha, is not a party to the present petition.

4. Heard Sri Gajanand Chakravarthy, learned counsel, representing Sri P.V. Sai Krishna, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana, and perused the material on record.

5. The learned counsel for the petitioners, no doubt, contended that every allegation levelled in the complaint running into six (6) pages would definitely indicate that the alleged acts constituting

harassment have not taken place in India, but at abroad, and, therefore, the Courts in India do not have jurisdiction.

6. It is pointed out that petitioner No.4 - accused No.5 viz., M. Harikrishna, is kingpin, as per the complaint averments.

7. The learned counsel for the petitioners, of course, would make a request to confine the relief herein to follow the procedure inlaid under Section 41-A of Cr.P.C. and also the guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹. The said request is reasonable.

8. Therefore, acceding to the aforesaid request, the Criminal Petition is disposed of, at the admission stage itself, directing the Investigating Officer concerned to adhere to the procedure contemplated under the provisions of Section 41-A of Cr.P.C. and also the guidelines laid down by the Hon'ble Supreme Court in the aforesaid decision.

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

A. SHANKAR NARAYANA, J

March 30, 2017.

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¹ (2014) 8 SCC 273