

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION Nos.1719 AND 1779 OF 2017

COMMON ORDER:

Both these Criminal Petitions, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), are filed requesting to quash the First Information Report in Crime No.27 of 2017 of Saroor Nagar Police Station, Rachakonda Mandal.

2. The petitioner in latter petition is accused No.1, whereas the petitioner in former petition is accused No.2. Both of them alleged to have committed the offences punishable under Sections 408, 418, 420, 468, 471, 506 and 120B I.P.C.

3. Heard Sri V. Sai Kumar, learned counsel for the petitioners in both the Criminal Petitions, and the learned Additional Public Prosecutor for the State of Telangana.

4. Learned counsel for the petitioners would submit that the petitioners are confining their request to the extent of issue of notice under Section 41(A) of the Code and to direct the Investigating Officer to follow the guidelines laid down by the Honourable Supreme Court in **Arnesh Kumar v. State of Bihar and another**¹.

5. Learned Additional Public Prosecutor for the State of Telangana would submit that the guidelines laid down by the Honourable Supreme Court in **Arnesh Kumar's** case (supra) would be applicable to the cases where offence is punishable with

¹2014 (8) SCC 273

imprisonment for a term which may be less than seven years or which may extend to seven years.

6. It is clear from the expression of the Honourable Supreme Court that the said guidelines apply not only to cases under Section 498A I.P.C. or Section 4 of the Dowry Prohibition Act, but also to such cases where an offence is punishable with imprisonment for a term which may be less than seven years or which may extend up to seven years, whether with or without fine.

7. In the present case, some of the offences are provided with sentence of imprisonment extending up to seven years and none of the offences alleged against the petitioners are punishable with sentence of imprisonment exceeding seven years. In such an event, certainly, the guidelines laid down by the Honourable Supreme Court in **Arnesh Kumar**'s case (supra) are applicable and the Investigating Officer has to follow the same.

8. Accordingly, the Criminal Petitions are disposed of observing that the Investigating Officer would follow the guidelines laid down by the Honourable Supreme Court in **Arnesh Kumar**'s case (supra) and the provisions of Section 41 of the Code. Miscellaneous Petitions, if any, pending in these Criminal Petitions, shall stand closed.

A. SHANKAR NARAYANA, J

March 06, 2017.
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