

HON' BLE SRI JUSTICE M. SATYANARAYANA MURTHY

WRIT PETITION No.15290 of 2017

ORDER:

This writ petition is filed to declare that the action of the 2nd respondent in calling the petitioner to Palvanha Police Station, Khammam, and trying to arrest him without registration of any crime against him, as illegal, arbitrary and violative of principles of natural justice.

The grievance of the petitioner is that no crime is registered against him, but the 2nd respondent is insisting him to appear before the police station every day and subjecting him to harassment and the same is violative of Article 21 of the Constitution of India.

During hearing, learned Government Pleader for Home submitted that the petitioner is arrayed as accused No.2 in Crime No.162 of 2016 of Palvanha Town Police Station, for the offences punishable under Section 366 (A) IPC and Section 12 of Protection of Children from Sexual Offences Act. However, learned counsel for the petitioner has drawn the attention of this Court to the copy of the First Information Report in Crime No.162 of 2016, wherein the petitioner was not arrayed as accused, and requested this Court to pass appropriate order directing the 2nd respondent to follow the procedure under Section 41A of Cr.P.C. and the

guidelines issued by the Hon'ble Apex Court in Arnesh Kumar v. State of Bihar¹.

Acceding to the request of the learned counsel for the petitioner, the Writ Petition is disposed of directing the 2nd respondent to follow the procedure under Section 41A of Cr.P.C and the guidelines issued by the Hon'ble Apex Court in Arnesh Kumar's case referred supra, if applicable. No costs.

Miscellaneous petitions, if any pending in this petition, shall stand closed.

11-05-2017
v v/ prv



M. SATYANARAYANA MURTHY, J

¹ (2014) 8 SCC 273