

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.901 of 2018

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.1 and 2, seeking to quash the proceedings in Crime No.5 of 2018 on the file of the Alipiri Police Station, Tirupati Urban District, registered for the offences under Sections 419, 420 read with 34 of I.P.C.

2. Heard the learned counsel for the petitioners/accused Nos.1 and 2, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. After arguing for some time, the learned counsel for the petitioners/accused Nos.1 and 2 would submit that the alleged offence was committed by unknown offenders and that the petitioners/accused Nos.1 and 2 are ready to give their explanation to the police, provided a notice under Section 41A of Cr.P.C. is issued to them.

4. The learned Assistant Public Prosecutor conceded the said request stating that the punishment for the alleged offences is imprisonment for seven years and below.

5. Under these circumstances, the Station House Officer, Alipiri Police Station, Tirupati Urban District, is directed to follow the procedure laid down under Section 41A of Cr.P.C. and

adhere to the guidelines formulated by the Apex Court in Arnesh Kumar Vs. State of Bihar¹.

5. With the above direction, this Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand dismissed.

Dr. Shameem Akther, J

30th January, 2018
Bvv



¹ (2014) 8 SCC 273