

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No. 1569 OF 2018

ORDER:

Heard learned counsel for the petitioner and learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

2. This petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), to quash the proceedings in crime No. 7 of 2018 on the file of Hiramandalam Police Station, Srikakulam District.

3. Learned counsel for the petitioner would submit that due to group rivalry, this case is foisted against the petitioner who is a doctor, he is not responsible for the allegations made in the report dated 20-01-2018 and in the event of arrest, the petitioner will lose his job.

4. Learned Assistant Public Prosecutor opposed the grant of relief in favour of the petitioner.

5. As seen from the material on record, there are specific allegations abusing the *de facto* complainant who is also a doctor and subordinate to the petitioner-accused. The truth or otherwise of the allegations made in the report dated 20-01-2018 is required to be investigated. The innocence or otherwise of the petitioner can be established after due investigation. As submitted by both learned counsel, the punishment for the alleged offences is seven years and below.

6. In view of the nature of the allegations, the Station House Officer/Investigating Officer, Hiramandalam Police Station, Srikakulam District, shall extend the provisions of Section 41-A Cr.P.C. in favour of the petitioner-accused and abide by the conditions laid down in ***Arnesh Kumar Vs. State of Bihar***¹.

¹ (2014) 8 SCC 273

7. With the above direction, the criminal petition is disposed of. Pending miscellaneous petitions, if any, in this criminal petition shall stand closed in consequence.

12th February, 2018
JSK

Dr. SHAMEEM AKTHER, J.

