

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.2593 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners-A.1 and A.2 seeking to quash the proceedings against them in Crime No.8 of 2018 of Anakapalli Town Police Station, Visakhapatnam District, registered for the offences under Sections 447, 506, 354, 509 r/w 34 I.P.C.

2. Heard the learned counsel for the petitioners-A.1 and A.2 and the learned counsel for the 2nd respondent-State, apart from perusing the material on record.

3. In the course of submissions, it is brought to the notice of the Court that the petitioners-A.1 and A.2 are the father and son, the 2nd respondent-*de facto* complainant is the elder son of the petitioner-A.1 and the victim in this case is the mother of the 2nd respondent and wife of the petitioner-A.1. It appears to be the family dispute relating to the land said to have belonging to the 2nd respondent-*de facto* complainant. He got the same by way of gift made by his mother. When he was constructing a house over the property gifted to him admeasuring 5.50 cents, the dispute has arisen. Under these circumstances, it is not appropriate to quash the proceedings. However, the Station House Officer, Anakapalli Town Police Station, Visakhapatnam District, is directed to follow the procedure laid down under Section 41A Cr.P.C. and abide by the guidelines formulated by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹. It is needless to mention that the Hon'ble Supreme Court made it clear that violation of the guidelines in **Arnesh Kumar's** case (supra) amounts to Contempt of Court action.

¹ (2014) 8 Supreme Court Cases 273

4. With the above directions, the Criminal Petition is disposed of. Pending Miscellaneous Petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 14-03-2018

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