

THE HON'BLE SRI JUSTICE N.BALAYOGI

Criminal Petition No.11717 of 2011

ORDER :

This Criminal Petition is filed under Section 482 of Cr.P.C. to quash the proceedings in F.I.R. No.101 of 2011 of Bhimavaram Rural Police Station, West Godavari District.

2. Learned counsel for petitioners reports that the criminal petition may be closed giving liberty to the investigating officer to proceed with the investigation and requested for a direction not to arrest petitioners till the completion of investigation.

3. So far as the request for closing the petition is concerned, it is considered, but so far as the request for direction of not to arrest is concerned, in the similar and identical circumstances, when the learned counsel for the petitioner/accused sought for an appropriate direction to the trial Court for dispensing the presence of petitioners, the Apex Court in **MADHUMILAN SYNTEX LIMITED AND ORS. Vs. UNION OF INDIA** (AIR 2007 SC 1481) held that it is not appropriate to issue such direction to the trial Court. However, it was made clear therein that if such a prayer is made before the trial Court, the same will be considered in its proper perspective and will pass appropriate orders thereon. It is further made clear that if personal appearance of the petitioner/accused is not necessary, the trial Court would grant exemption on such terms and conditions as it would think appropriate. Therefore, the request for direction of not to arrest is rejected.

4. Accordingly, the Criminal Petition is closed with a direction to the Investigating Officer to proceed with the investigation, while vacating the interim stay granted in CrI.M.P. No.13181 of 2011, dated 22.11.2011.

5. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE N.BALAYOGI

6th March, 2018

skmr

