

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.4172 of 2018

ORDER:

This petition is filed under Section 482 Cr.P.C by the petitioner/accused seeking to quash the proceedings against him in Crime No. 39 of 2018 of II Town Police Station, Vizianagaram, Vizianagaram District, registered for the offences under Section 353 IPC.

Brief facts of the report lodged by the Head Constable of II town Police Station, Vizianagaram, are that in connection with serving a conviction warrant against one Gedela Laxmi Ganeswararao in Crime No. 82 of 2010 concerning with S.C.No. 77 of 2011, when the complainant and another constable were proceeding towards Ice Factory Junction, Vizianagaram, he found a car bearing No. AP 35 AA 3555 belonging to Laxmi Ganesh. They found the petitioner sitting in the driver seat and looking into his cell phone. When they enquired about Laxmi Ganesh, he said that he was the car driver of the son of said Laxmi Ganesh and when they enquired about Laxmi Ganesh, at once the petitioner allegedly opened the car door and pushed the police and ran away. Therefore, they brought the car to the police station and lodged the report.

The investigation reported to be pending.

Denying the complaint allegations, leaned counsel for petitioner would submit that in connection with particulars of Laxmi Ganeswararao, the police

high handedly detained him about three days and in that connection he also gave a report to the police and the same was not registered.

Be that as it may, the facts of the complaint would reveal that the petitioner/accused is not the main accused, whom the police were searching about. When they asked about the particulars of Laxmi Ganesh, at once he opened the car and ran away by pushing the police.

In that view of the matter, this Court is of the considered view that the investigation shall go on. The Investigating Officer shall complete the investigation expeditiously but not later than three months from the date of receipt of a copy of this order. The investigating officer shall strictly follow the guidelines rendered by the Hon'ble Apex Court in **Arnesh Kumar V. State of Bihar**¹ and follow the procedure contemplated under Section 41-A Cr.P.C., during the course of investigation. Petitioner/accused in turn is directed to cooperate with the investigating agency for smooth completion of investigation.

Accordingly, Criminal Petition is disposed of. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 24.04.2018
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Note: Furnish copy tomorrow

¹ (2014) 8 SCC 273