

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.5169 OF 2018

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the proceedings in Crime No.350 of 2018 on the file of Jawahar Nagar Police Station, Rachakonda Commissariat, registered for the offences punishable under Section 420 of Indian Penal Code (for short "I.P.C.") on the sole ground that the petitioner herein was not arrayed as accused, but still notice under Section 41-A of Cr.P.c. was issued to the petitioner herein 17.04.2018.

Learned Public Prosecutor for the State of Telangana admitted that there is no allegation against the petitioner in the report lodged with the police and he was not arrayed as accused as on date.

In the absence of arraying the petitioner as accused, issuing notice under Section 41-A of Cr.P.C. calling upon him to appear before the police officer concerned and fixing date for his appearance, is illegal. Therefore, to the extent of notice dated 17.04.2018 issued to the petitioner is hereby quashed.

With the above, the criminal petition is disposed of. No costs.

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

JUSTICE M. SATYANARAYANA MURTHY

08.06.2018
Ksp