

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.22421, 22456 and 22475 OF 2018

COMMON ORDER :

Since the subject matter of all these writ petitions is one and the same, all these writ petitions are heard together and disposed of by this common order.

The case of the petitioners is that basing on the complaint of the 5th respondent against the petitioners a case in Crime No.337/2018 was filed under Sections 498-A, 384, 506 IPC and Sections 3 & 4 of Dowry Prohibition Act; and that the petitioners also filed criminal petition No.6023/2018 before this Court under Section 482 Cr.P.C., seeking to quash the FIR No.337/2018 and the same is disposed of by this Court on 14.06.2018, directing the police to adhere to the guidelines issued by the Apex Court in ***Rajesh Sharma v State of Uttar Pradesh [2017 (2) ALT (Crl.) 393 (SC)]***. Since the respondents have not followed the said directions and have straightaway issued notices under Section 41 A of the Cr.P.C. in violation of the guidelines issued by the Apex Court in the aforesaid case, present writ petition is filed.

Sri A.Sudershan Reddy, learned Senior Counsel for the petitioners submits that though the respondents are bound to refer the matter to the District Legal Services Committee before taking any steps for issuance of process of arrest to the petitioners, without following the said procedure, notices under Section 41 A of the Cr.P.C were issued on 20.06.2018 to the petitioners and

subsequently the matter was referred to District Legal Service Committee, Vijayawada, on 28.06.2018, which is in violation of the law laid down by the Apex Court in the aforesaid case.

Heard learned Government Pleader for Home who submits that the notices issued to the petitioners under Section 41 A Cr.P.C. will not be given effect to, since the matter is referred to the District Legal Services Committee.

In view of the same the writ petition is disposed of not to give affect to notice issued under Section 41 A until report is received from the District Legal Services Committee. It goes without saying that the petitioners have to cooperate with the investigation. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

16.07.2018
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