HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

W.P.No.24287 OF 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India to quash the proceedings in Crime No.75 of 2018 of Bellampally Police Station, Mancherial District, registered for the offences punishable under Section 365 IPC.

The main allegation made against the petitioners is that they kidnapped, Lingampalli Ramulu, father of the complainant and the allegations made in the complaint are as follows:

> "I submit that today morning at about 4.00 a.m. my father asked me to drop at bus stand to catch Hyderabad bus. On the way when I reached to Bazar area near Mukesh Dresses, two vehicles one Innova and one Shift (S-cross) cards followed and stopped us. From the vehicles Munimanda Rameh, Nuneti Satyanarayana, Chityala Madhu, Jilakara Vasu, T.Vamshi Krishna Reddy, R/o Bellampally, came out and started arguing with my father over some land disputes. There were some other persons in vehicles, with deadly weapons. Munimanda Ramesh, and Nuneti Satyanarayana, forcefully took my father into the gray color Innova vehicle my father tried to escape but all the above said persons caught hold him, when I requested them to leave my father. But Chityala Madhu, Jilakara Vasu, T.Vamshi Krishna Reddy have stated that they will discuss some issue with my father and send him back and there is no need to worry. I tried to give my mobile phone to my father but they refused for the same and T.Vamshi Krishna Reddy said that he will give his phone to my father to speak. The said persons while leaving threatened me that in case, if I make any issue and tell this matter to anyone I have to face serious risk. Till now I was waiting for phone call till now my father did not return and did not call us, myself and my family members are worried about my father. Though my father resisted to go with them they have forcefully took my father and wnt towards bus stand road and his whereabouts are not known."

Learned counsel for the petitioners after arguing the matter for a while, requested this Court to issue a direction to the Investigating Officer to follow the procedure contemplated under Section 41-A Cr.P.C. and the guidelines issued by the Apex Court in **Arnesh Kumar v. State of Bihar**[1], without touching the merits of the case since no confidence motion is being taken up on 02.08.2018 against the 8th respondent.

In view of the request made by learned counsel for the petitioners, without touching the merits of the case, the writ petition is disposed of directing the Investigating Officer to follow the procedure contemplated under Section 41-A Cr.P.C. and the guidelines issued by the Apex Court in **Arnesh Kumar's** case referred supra, otherwise it would amounts to contempt

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

17.07.2018
Note : issue c.c. by tomorrow
b/o kvrm

[1] (2014) 8 SCC 273