

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.16776 OF 2016

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the Crime/F.I.R.No.138 of 2014 on the file of the Gachibowli Police Station, Cyberabad District, registered for the offence punishable under Sections 419, 420, 468, 471, 506 and 120-B of I.P.C. and under Section 156 (3) of Cr.P.C.

The main ground urged in the petition is that the present F.I.R. is second F.I.R. and the same is illegal under law.

Since the earlier complaint was withdrawn due to lack of jurisdiction, the present F.I.R. was lodged. At this stage, learned counsel for the petitioners requested this Court to direct the police to complete the investigation as expeditiously as possible and file final report. He further requested this Court to direct the police to follow the procedure laid down under Section 41-A of Cr.P.C and guidelines formulated by the Apex Court in "**Arnesh Kumar v. State of Bihar¹**".

Acceding to the request of the learned counsel for the petitioners and without touching the merits of the case, I deem it appropriate to direct the police to follow the procedure laid down in Section 41-A of Cr.P.C. and guidelines prescribed in "**Arnesh Kumar v. State of Bihar**" (referred supra). It is needless to mention that the Supreme Court made it clear that violation of guidelines in "**Arnesh Kumar v. State of Bihar**" (referred supra) amounts to Contempt of Court action. Therefore, the Investigation Agency is bound to adhere to the guidelines formulated by the Apex Court in "**Arnesh Kumar v.**

¹ (2014) 8 SCC 273

State of Bihar” (referred supra) and the procedure laid down in Section 41-A of Cr.P.C. Investigating agency is further directed to complete the investigation as expeditiously as possible and file final report, preferably within a period of two (2) months from the date of receipt of a copy of this Order.

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

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

JUSTICE M. SATYANARAYANA MURTHY

30.07.2018
Ksp

