

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.9442 of 2018

ORDER:

Heard the learned counsel for petitioners and the learned Special Assistant Public Prosecutor representing the State of Andhra Pradesh and perused the material on record.

2. A perusal of the bail application averments clearly shows it is in relation to the matrimonial differences, the crime crept in.

3. In view of the expression of the Apex Court in **Rajesh Sharma & Others Vs. State of U.P. & Another**¹, where the offences involved are under Section 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act (unless there are injuries by physical assault under Sections 323 to 326 or 307 IPC or the like), there shall be no arrest by police unless report of the Committee on its constitution received and that does not prevent securing for interrogation as part of investigation, this is a fit case to refer the matter to the Committee for report to consider any reconciliation. Needless to say for any offence punishable upto seven years, the police strictly follow Section 41-A Cr.P.C. as laid down in **Arnesh Kumar v. State of Bihar**².

4. Having regard to the above and as per the directions of the Apex Court supra, this Criminal Petition is disposed of while directing the Investigation Officer to investigate, but not to arrest the petitioners

¹ 2017 (2) ALT (Cri.) 393 (SC)

² (2014) 8 SCC 273

unless report of the Committee on its constitution is received, that too subject to Section 41-A Cr.P.C. However, this does not prevent the securing of the petitioners either for reconciliation or for interrogation as part of investigation if efforts for reconciliation failed.

Pending miscellaneous petitions, if any, shall stand closed.

12.09.2018
MVA

Dr. B. SIVA SANKARA RAO, J

