

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.11106 OF 2018

ORDER:

This Criminal Petition is filed by the petitioner/ A1(&A2) under Section 482 Cr.P.C, seeking to quash the proceedings in Crime No.133 of 2018 on the file of Gudipalli Police Station, Nalgonda District, registered for the offences punishable under Sections 420 and 406 r/ w 34 I.P.C.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the State, before ordering notice to respondent No.2/ de facto complainant and perused the material on record.

In the above crime, which is registered on the report of the 2nd respondent/ de facto complainant, the petitioner herein is shown with different age, with same name and father's name, as if two persons A1 and A2.

The crime is at nasal stage and requires investigation including from perusal of the First Information Report (F.I.R.) averments including as to the co-relation with the present crime of the petitioner's private complaint case in C.C.No.1785 of 2018 and the matters connected with W.P.Nos.18158 and 18484 of 2018, thereby, there is nothing to quash the F.I.R., but for, to say as none of the offences are punishable above seven years, police strictly follow Section 41-A Cr.P.C.

Having regard to the above, the Criminal Petition is disposed of, directing the police to proceed with the investigation and in the event of any necessity of arrest of the petitioner/ A1(&A2), they have to follow Section 41-A Cr.P.C. and the guidelines of the Apex Court as laid down in Arnesh Kumar v. State of Bihar¹, strictly.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 23.10.2018
pab



¹ (2014 (2) ALT (CrI.) 457 SC)