

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

Criminal Petition No.11236 of 2018

ORDER:

Notice sent, as per the track record, shows in hold. In fact, from hearing of the learned Additional Public Prosecutor for respondent No.1-State and the learned counsel for the petitioners-A1 to A3 even before notice to respondent No.2, a perusal of the report from which the crime registered no way requires interference from the contentions of earlier there was a report given by the *de facto* complainant to the Superintendent of Police, Nellore, from which no crime registered and the petitioners moved for anticipatory bail and a direction of not to arrest the petitioners was granted for one month by order of this Court dated 05.10.2018 in CrI.P.No.10268 of 2018 and later instead of registering the crime on the earlier report the present crime is registered from the subsequent report is unsustainable. In fact, there is no such bar; leave about the earlier report not seen even the light of the day if at all given or not and even given whether the subsequent report got only statement during investigation value or F.I.R. value is the matter for adjudication subsequently and not a ground for quashing.

2. With the above observations, this Criminal Petition is disposed of by directing the police while proceeding with investigation strictly follow Section 41-A Cr.P.C. and also the guidelines as held by the

Apex Court in **Arnesh Kumar Vs. State of Bihar**¹. All the defences of the petitioners are left open from the police final report, if at all to impugn subsequent to that.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

06.11.2018
MVA



¹ (2014) 8 SCC 273