

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.11410 of 2018

ORDER :

The petitioners are A.1 and A.2 of Crime No.188 of 2018 of Penugonda Police Station, West Godavari District, registered for the offences punishable under Sections 420, 406, 352, 452 and 386 read with 34 IPC, dated 19.09.2018, out come of the private complaint of the 2nd respondent/*de facto* complainant filed on 13.08.2018 referred to police for investigation, from which the investigation is now pending.

2. The main contentions are that there is a delay in reporting the occurrence, which is purely and predominantly civil in nature and it cannot be allowed to add with criminal flavour. Thereby, the proceedings are liable to be quashed.

3. As pointed out by learned counsel for the 2nd respondent, the norm required in quashing of F.I.R. by exercise of the inherent power is if the face value of allegations not made out a case and nothing beyond to judge the truth or otherwise of the allegations. Once such is the case, it is premature for the Court to quash the F.I.R. proceedings, but for to say the police fairly investigate and file final report as early as possible and in the meantime if at all any arrest is required strictly follow Section 41-A Cr.P.C., and pending investigation not liable to be arrested, however it will not prevent to secure their presence and if at all failed to attend and arrest required 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.

4. Accordingly and in the result, the criminal petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

16th November 2018.

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¹ (2014) 8 SCC 273