HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.11664 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/A2, seeking to quash the proceedings in Crime No.54 of 2018 on the file of Old Guntur Police Station, Guntur District, registered for the offences punishable under Sections 406, 407 and 420 r/w 34 I.P.C.

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

On perusal of the material on record, there is nothing to quash the proceedings much less to admit and keep the matter pending for notice to the 2nd respondent and hearing, 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/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 Bihar[1], strictly.

Miscellaneous petitions pending if any, shall stand closed.

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Dr. B. SIVA SANKARA RAO, J

Date: 02.11.2018
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[1] (2014 (2) ALT (Crl.) 457 SC)