

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.1048 OF 2019

ORDER:

Impugning the First Information Report in Crime No.38 of 2019 registered by the Jagityal (Rural) Police Station, Rajanna Siricilla District, for the offences punishable under Sections 448, 420, 323, 506, 120-B of the Indian Penal Code & Section 156(3) of Code of Criminal Procedure, 1973, on the report of the 2nd respondent/*de facto* complainant, the petitioner/accused filed the quash petition.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, representing the respondent-State in opposing the same before ordering notice to the 2nd respondent and before admission. Perused the First Information Report and quash petition averments.

3. A perusal of the First Information Report and quash petition averments no way entitles this Court to quash the proceedings or admit by keeping the matter pending, but for to say for none of the offences are punishable above seven years, the police strictly follow Section 41-A of the Code of Criminal Procedure, 1973, 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 without prejudice to any future defence of the petitioner.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

Date: 21st February, 2019

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¹ (2014) 8 SCC 273

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