

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1328 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused to quash the proceedings in Crime No.61 of 2019 dated 31.01.2019 registered for the offence punishable under Section 353 of IPC.

2. Heard learned counsel for the petitioner/accused, learned Additional Public Prosecutor for respondent No.1-State and perused the record.

3. Learned counsel for the petitioner/accused would contend that a false report is lodged against the petitioner/accused with a delay of three days and ultimately prayed to quash the said proceedings.

4. Learned Additional Public Prosecutor opposed the relief sought by the petitioner/accused.

5. As per the record, the petitioner/accused is alleged to have obstructed the public servants from discharging their duties. There are allegations against the petitioner/accused to proceed with the investigation. The offence is under Section 353 of IPC. The imprisonment for the said offence is upto two years.

6. Under these circumstances, the Station House Officer concerned is directed to follow the provisions under Section 41-A

of Cr.P.C. and abide by the directions issued by the Apex Court in *Arnesh Kumar v. State of Bihar and another*¹.

7. With the above direction, this Criminal Petition is disposed of.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 08.03.2019.
ssp



¹ 2014 (2) ALT (Cri.) 457 (SC)