

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition Nos.2617 & 2619 of 2019

COMMON ORDER:

Since the facts of the case and the issue involved in both these Criminal Petitions are identical, both these Criminal Petitions are being disposed of by this common order.

2. Criminal Petition No.2617 of 2019 is filed under Section 482 of Code of Criminal Procedure, 1973, by the petitioners/A.1 and A.2, seeking to quash the proceedings in Crime No.387 of 2018 of Pahadishareef Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 147, 447, 427, 504 read with 149 of IPC.

3. Criminal Petition No.2619 of 2019 is filed under Section 482 of the Code of Criminal Procedure, 1973, by the petitioners/A.3, A.4 and A.5, seeking to quash the proceedings against them in Crime No.30 of 2019 of Pahadishareef Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 468, 471, 420, 447 & 427 of IPC.

4. Heard Sri P.Harinath Reddy, learned counsel, representing Ms.R.N.Padma, learned counsel for the petitioners and the learned Additional Public Prosecutor representing the 1st respondent-State in both these Criminal Petitions and perused the record.

5. Though the learned counsel for the petitioners filed both these Criminal Petitions for quashing of investigation in Crime No.387 of 2018 and Crime No.30 of 2019 respectively, he restricts

his prayer seeking a direction to the investigating agency to follow the procedure prescribed under Section 41A of Cr.P.C. and to follow the guidelines prescribed by the Apex Court in *Arnesh Kumar v. State of Bihar and another*¹.

6. The learned Additional Public Prosecutor conceded the said request stating that the punishment for the alleged offences is imprisonment for seven years and below.

7. Under these circumstances, the Station House Officer, Pahadishareef Police Station, Rachakonda Commissionerate, is directed to follow the procedure laid down under Section 41A of Cr.P.C. before arresting the petitioners in both these Criminal Petitions and strictly adhere to the guidelines formulated by the Apex Court in *Arnesh Kumar Vs. State of Bihar's case supra*.

8. With the above direction, both these Criminal Petitions are disposed of.

Miscellaneous petitions, if any, pending in both these criminal petitions shall stand closed.

12th June, 2019
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JUSTICE G.SRI DEVI

¹ AIR 2014 SC 2756