

HONOURABLE JUSTICE G. SRI DEVI

WRIT PETITION No.21910 of 2019

ORDER:

1. This Writ Petition is filed by the petitioners seeking to issue a writ/order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the 2nd respondent in registering the FIR in Crime No.498 of 2019 dated 17.09.2019 on the file of Chandanagar Police Station as arbitrary, illegal, unlawful and violative of Articles 14, 19 and 21 of Constitution of India and contrary to the provisions of criminal law and consequently quash all the proceedings in the said FIR.

2. Heard learned counsel for the petitioners/accused, learned Government Pleader for Home and perused the record.

3. Though the writ petition is filed to quash the aforesaid proceedings, during the course of arguments, learned counsel for the petitioners restricts his prayer seeking a direction to the Investigating agency to follow the procedure prescribed under Section 41-A Cr.P.C. and the guidelines prescribed by the Apex Court in *Arnesh Kumar v. State of Bihar and another*¹.

4. In that view of the matter, the Writ Petition is disposed of directing the police concerned to follow the provisions under Section 41-A Cr.P.C. and abide by the directions of the Apex Court as set out in *Arnesh Kumar's case* (supra). However, no coercive steps shall be taken against the petitioners/accused till filing of final report.

¹ AIR 2014 SC 2756

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G. SRI DEVI

01.10.2019
ssp

