

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.23916 of 2019

ORDER:

The present writ petition is filed to declare the action of the second respondent in calling the petitioners to the police station in connection with FIR No.276 of 2019 and threatening them to compromise and settle the disputes with the third respondent herein, as illegal and arbitrary.

2. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Home.

3. Learned Assistant Government Pleader for Home, on written instructions, dated 12.11.2019, which is placed on record of this Court, would submit that based on the complaint of the third respondent, dated 06.06.2019, a case was registered in Crime No.276 of 2019 for the offences under Sections 120-B, 406 and 420 IPC on the file of Sanathnagar Police Station, on 06.06.2019 against the accused. While the second respondent was investigating into the matter pursuant to the complaint made, the petitioners approached this Court by filing Criminal Petition No.3835 of 2019 to quash the proceedings in Crime No.276 of 2019, wherein this Court, *vide* order dated 10.07.2019, directed the police to abide by the directions of the Apex Court in ARNESH KUMAR v. STATE OF BIHAR [(2014) 8 SCC 273]. Learned Assistant Government Pleader would further submit that in compliance of the directions of this Court, when the 2nd respondent sought to serve notices under Section 41-A Cr.P.C, the petitioners were avoiding service and instead of co-operating with the investigating agency by filing necessary documents and explanation to the notice under Section 41-A Cr.P.C., have approached

this Court by way of present writ petition with false and frivolous allegations.

4. On the other hand, learned counsel for the petitioners would submit that the respondent authorities would arrest the petitioners, on the pretext of serving the notice under Section 41-A Cr.P.C.

5. This Court finds no merit in the submission of the learned counsel for the petitioners. However, the respondent authorities, after serving the notice under Section 41-A Cr.P.C. upon the petitioners, shall take into consideration the explanation offered by the petitioners and take further action in accordance with law.

5. The writ petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date: 15.11.2019

GJ

JUSTICE T. VINOD KUMAR