

**HON'BLE JUSTICE G. SRI DEVI**

**WRIT PETITION No.26531 of 2019**

**ORDER :**

This Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue writ of mandamus declaring the action of the 5<sup>th</sup> respondent in registering the Cr.No.688 of 2019 for the offences punishable under Sections 403, 406, 420, 384, 120-B and 506 IPC as illegal and arbitrary and consequently set aside the same.

2. Though learned counsel for the petitioners-A1 and A2 filed the present writ petition to set aside the proceedings in the above crime, he 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<sup>1</sup>**. At this stage, the learned Government Pleader for Home would submit that notice under Section 41-A Cr.P.C. has already been issued to the petitioners-A1 and A2.

3. Since the petitioners-A1 and A2 have already been issued notice under Section 41-A Cr.P.C., the petitioners-A1 and A2 are directed to comply with the said notice as per the directions of the Apex Court as set out in **Arnesh Kumar's case (supra)**. However, no coercive steps

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<sup>1</sup> AIR 2014 SC 2756

shall be taken against the petitioners/A1 and A2 till filing of the final report.

4. Accordingly, the Writ Petition is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

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**JUSTICE G.SRI DEVI**

**DATED: 02.12.2019.**  
Hsd



