

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Criminal Petition No.3163 of 2020

ORDER:

The present Criminal Petition is filed under Section 482 of Cr.P.C., seeking to quash the Crime No.9 of 2020, dated 10.01.2020 on the file of the Station House Officer, Kachiguda Police Station, Hyderabad, registered for the offence punishable under Section 420 IPC, wherein the petitioner is arrayed as accused No.1 (A.1) therein.

2. Heard Sri K. Chidambaram, learned counsel for the petitioner/A.1 and learned Additional Public Prosecutor appearing for the first respondent - State. Perused the material placed on record.

3. With the consent of the learned counsel appearing for the parties, the criminal petition is taken up for hearing through Video Conferencing in the virtual Court today, i.e., 30.12.2020.

4. Having regard to the submissions made by both the parties and considering the dispute involved for which the present complaint has been lodged by the second respondent/*de facto* complainant relates to the commercial transactions of doing business in real estate, this Court is of the view that the first respondent authority can be directed to follow the procedure prescribed under Section 41-A of Cr.P.C. and also to follow the guidelines as laid down by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹ and act in accordance with law while investigating into the above crime.

¹ (2014) 8 SCC 273

5. Accordingly, the criminal petition is disposed of with a direction to the first respondent authority while proceeding with the investigation into the above crime registered, to follow the procedure prescribed under Section 41-A of Cr.P.C. and to strictly adhere the guidelines laid down by the Hon'ble Apex Court in **Arnesh Kumar** (stated supra) and to act in accordance with law. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

Date: 30.12.2020
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T. VINOD KUMAR, J

