

HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.1068 OF 2021

ORDER (ORAL):

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed seeking to quash the proceedings in Crime No.1589 of 2019 pending on the file of the Station House Officer, Rajendra Nagar Police Station, Cyberabad. The petitioner herein is sole accused in the said Crime. The offences alleged against the petitioner are under Sections 447 and 506 of the Indian Penal Code, 1860 (for short 'IPC').

2. Heard Sri M.R. Mohammad Irfan, learned counsel for the petitioner, and learned Assistant Public Prosecutor for the State. Perused the record.

3. In the complaint, the allegation against the petitioner herein is that he has threatened the *de facto* complainant - respondent No.2 herein over phone to vacate the plots. Except that there are no other allegations. Thus, there are several factual aspects to be investigated into by the Investigating Officer during the course of investigation.

4. Considering the above aspects and also the aspects that the offences alleged against the petitioner are bailable offences and the punishment prescribed for the same is imprisonment of seven years or below seven years, the Investigating Officer in Crime No.1589 of 2019 pending on the file of the Station House Officer, Rajendranagar

Police Station, Cyberabad, is directed not to arrest the petitioner herein - accused. He is further directed to follow the procedure laid down under Section 41-A of Cr.P.C. and also the guidelines issued by the Apex Court in **Arnesh Kumar v. State of Bihar**¹. However, the petitioner shall cooperate with the Investigating Officer by submitting the information and the documents, if any, as required by the Investigating Officer in investigating the case.

5. With the above directions, the Criminal Petition is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending, in the criminal petition stand closed.

February 17, 2021.

PV

K. LAKSHMAN, J

¹ (2014) 8 SCC 273