

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No. 1811 OF 2021

ORDER:

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.39 of 2021, pending on the file of the Yadagirigutta Police Station. The petitioner herein is Accused No.1 in the said crime. The offences alleged against the petitioner are under Sections 447, 324, 506 and 504 read with 34 of the Indian Penal Code.

2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondents. Perused the record.

3. On the complaint lodged by the petitioner, the Police, Yadagirigutta registered a case in Cr.No.32 of 2021 for the offences under Sections 447, 324, 506 and 504 read with 34 of IPC. The very same Police registered the present Crime against the petitioner herein for the offences under Sections 447, 324, 506 and 504 read with 34 of IPC on the complaint lodged by the 2nd respondent. A perusal of both the complaints would reveal that there are disputes between the petitioner and the 2nd respondent with regard to the land admeasuring Ac.1.05 guntas in Sy.Nos.282, 283 and 285 situated at Chinnakandukur Village, Yadagirigutta Mandal.

4. Learned Public Prosecutor on instructions would submit that the Police have invoked the procedure laid down under Section 41-A of Cr.P.C by duly serving a notice on the petitioner/A-1 on 14.02.2021.

5. Learned counsel for the petitioner disputes the same stating that the petitioner has not received the said notice sent under Section 41-A Cr.P.C.

6. In view of the said submissions, this Criminal Petition is disposed of directing the Investigating Officer in Crime. No. 39 of 2021, pending on the file of the Yadagirigutta Police Station, to strictly follow the mandatory procedure contemplated under Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹. The petitioner shall cooperate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

Miscellaneous Petitions, pending if any, shall stand closed.

K. LAKSHMAN, J

Date: 12.03.2021
tjmr

¹ (2014) 8 SCC 273