

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No.3852 of 2021

ORDER:

This criminal petition is filed to quash the proceedings in Cr.No.64 of 2021 on the file of the Gadwal Town Police Station, Jogulamba Gadwal District, registered against the petitioner/accused No.1 for the offences under Sections 324 and 448 read with Section 34 of the Indian Penal Code.

2. Heard the counsel for the petitioner and the learned Assistant Public Prosecutor appearing for the first respondent.

3. The counsel for the petitioner submits that no *prima facie* case is made out from the contents of the complaint; the averments in the complaint are vague and there is a delay in lodging the complaint, which clearly shows that it is an after thought.

4. However, this Court is not inclined to exercise its discretion as the criminal case is at the investigation stage. This Court opines that the case has to be investigated in order to arrive at the truth of the matter. Hence, it is not advisable to quash the proceedings at this stage.

5. In view of the above, the police are directed to duly comply with the procedure contemplated under Section 41-A of the Criminal Procedure Code and the guidelines in **ARNESH KUMAR v. STATE OF BIHAR**¹ during the course of investigation in Cr.No.64 of 2021.

Accordingly, the criminal petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

B. VIJAYSEN REDDY, J

April 30, 2021/DSK

¹ (2014) 8 SCC 273