

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION Nos.5691 AND 5704 OF 2021

COMMON ORDER:

Since both the Criminal Petitions arise out of a same crime, they are amenable for disposal by way of this common order.

2. Accused Nos.1 to 3 in Crime No.245 of 2021 on the file of Police Station, Ghatkesar, Medchal-Malkajgiri District are the petitioners in CrI.P.No.5704 of 2021 while accused Nos.4 and 5 in the said crime are the petitioners in CrI.P.No.5691 of 2021. Both these Criminal Petitions are filed under Section 482 of Cr.P.C., to quash the proceedings in the said crime. The offences alleged against the petitioners are under Sections 498-A of IPC and Sections 3 and 4 of the Dowry Prohibition Act.

3. Heard learned counsel for the petitioners and learned Public Prosecutor. Perused the record.

4. A perusal of the record would reveal that the marriage of respondent No.2 with accused No.1 (petitioner No.1 in CrI.P.No.5704 of 2021) was performed on 11.12.2020. It appears, thereafter matrimonial disputes arose between them. Respondent No.2 has made several allegations against accused No.1. There are general allegations against accused Nos.4 and 5 (petitioners in CrI.P.No.5691 of 2021), married sister and brother-in-law of accused No.1. Accused No.1 has issued legal notice dated 21.04.2021 requesting respondent

No.2 to join his company. There are several aspects to be investigated into by the Investigating Officer during the course of investigation.

5. Sri Jalli Kanakaiah, learned counsel for the petitioners, would submit that accused No.1 is ready to take respondent No.2 to his company.

6. In view of the said submission, these Criminal Petitions are disposed of directing the Investigating Officer in Crime No.245 of 2021 on the file of Police Station, Ghatkesar, Medchal-Malkajgiri District, 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. The Investigating Officer is further directed not to arrest the petitioners herein till completion of investigation and filing of final report. The petitioners shall cooperate with the Investigating Officer by furnishing the information and documents as sought by him in concluding the investigation. Liberty is granted to the Investigating Officer to conduct counseling to accused No.1 and respondent No.2. Miscellaneous petitions pending, if any, shall stand closed.

K. LAKSHMAN, J

Date: 26.07.2021
TJMR

¹ (2014) 8 SCC 273