

THE HON'BLE SRI JUSTICE T.VINOD KUMAR
CRIMINAL PETITION Nos.6702 and 6718 of 2020

COMMON ORDER:

1. The present criminal petitions are filed under Section 482 Cr.P.C. seeking to quash the proceedings in FIR No.593 of 2020 dated 16.11.2020 on the file of Police Station Sanath Nagar, Cyberabad Commissionerate, registered for the offences punishable under Sections 406, 420 and 120-B read with Section 34 of the Indian Penal Code, 1860, wherein the petitioners in both the criminal petitions are arrayed as accused Nos.1 to 5 (A.1 to A.5).
2. Since, the FIR in both these criminal petitions is one and the same and the petitioners in CrI.P.No.6702 of 2020 are arrayed as accused Nos.1 to 3 and petitioners in CrI.P.No.6718 of 2020 are arrayed as accused Nos.4 and 5, they are being disposed of by this common order.
3. With the consent of the learned counsel appearing for the parties, the criminal petitions are taken up for hearing through Video Conferencing in the virtual Court today, i.e. 08.01.2021.
4. Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for respondent No.1 – State and perused the material placed on record.
5. Learned counsel for the petitioners would submit that there are *inter se* civil disputes between the parties, more so in relation to property which is situated in Srikakulam District, which does not fall within the jurisdiction of the 1st respondent authority for registering a case and conducting investigation thereinto, and for the said reason, the present criminal petitions are filed seeking quashing of the FIR. However, after making initial submissions, the learned counsel for the petitioners would submit that though the present criminal petitions are filed seeking quashing of proceedings in FIR No.593 of 2020, however, he is restricting

his submission to one of seeking a direction to the respondent authorities to follow the procedure prescribed under Section 41-A Cr.P.C. and to abide by the guidelines laid down by the Hon'ble Apex Court in *ARNESH KUMAR V/s. STATE OF BIHAR*¹.

6. Learned Additional Public Prosecutor would fairly submit that since, it is being claimed that the dispute relates to civil dispute relating to property situated outside the jurisdiction of the authority, in order to enable the petitioners to place all the above said facts before the investigating authority, the respondent authorities would follow the procedure prescribed under Section 41-A Cr.P.C., and adhere to the guidelines laid down by the Hon'ble Supreme Court in *ARNESH KUMAR's* case (supra), while investigating into the above crime.

7. Having regard to the submissions made as above, and considering the fact that there are *inter se* civil disputes in relation to business transactions between the petitioners and the de facto complainant, and since, the offences with which the petitioners are charged with being punishable with imprisonment of less than seven years, the respondent authority is hereby directed to follow the procedure prescribed under Section 41-A Cr.P.C., and to strictly adhere to the guidelines laid down by the Hon'ble Supreme Court in *ARNESH KUMAR's* case (supra), while investigating into the above crime.

8. Subject to the above direction, the criminal petitions are disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

JUSTICE T.VINOD KUMAR

Date:08.01.2021
GJ

¹ (2014) 8 SCC 273