

HONOURABLE JUSTICE G. SRI DEVI

WRIT PETITION No.25448 of 2021

ORDER:

1. This Writ Petition is filed under Article 226 of Constitution of India to call for the records and to quash the investigation in connection with Crime No.123 of 2021 of Karkhana Police Station, Hyderabad, registered against the petitioners / Accused Nos.1 and 2 for the offences punishable under Sections 420, 406, 468 and 471 r/w.34 of I.P.C.

2. Though the learned counsel for the petitioners filed the present Writ Petition to call for records and quashing of investigation in the above Crime, he restricts his prayer seeking a direction to the Investigating agency to follow the procedure prescribed under Section 41-A Cr.P.C. and the guidelines prescribed by the Apex Court in ***Arnesh Kumar v. State of Bihar and another***¹.

3. Learned Government Pleader for Home would submit that the directions of the Apex Court with regard to Section 41-A of Cr.P.C. have to be followed and implemented.

4. In that view of the matter, the Writ Petition is disposed of directing the police to abide by the directions of the Apex Court as set out in ***Arnesh Kumar case (supra)***. However,

¹ AIR 2014 SC 2756,

under the guise of investigation the petitioners herein shall not be harassed in connection with Crime No.123 of 2021 of Karkhana Police Station, Hyderabad. The petitioners shall cooperate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

5. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G. SRI DEVI

November 23, 2021

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