

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.8027 OF 2021

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioners/A4 and A5 seeking to quash the proceedings against them in Crime No.104 of 2020 of Bachupally Police Station, Cyberabad, registered for the offences punishable under Sections 498A of I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard the learned counsel for the petitioners/A4 and A5, the learned Assistant Public Prosecutor representing the respondent Nos.1 and 2 and perused the record.

3. Having submitted for a considerable time, learned counsel for the petitioners/A4 and A5 made a request to this Court to direct the investigating agency to follow the procedure prescribed under Section 41A of Cr.P.C. and to follow the guidelines prescribed by the Honourable Apex Court in **Arnesh Kumar v. State of Bihar and another**¹, on the ground that the maximum sentence of imprisonment prescribed for the alleged offences is below seven (7) years.

4. The learned Assistant Public Prosecutor conceded the request of the learned counsel for the petitioners/A4 and A5.

5. Since the allegations made in the subject crime constitute the offences alleged, it is not appropriate to quash the

¹ AIR 2014 SC 2756

proceedings in the subject crime against the petitioners/A4 and A5. However, in view of the request made on behalf of the petitioners/A4 and A5, the Station House Officer, Bachupally Police Station, Cyberabad, is directed to follow the procedure laid down under Section 41A of Cr.P.C. before arresting the petitioners/A4 and A5 and strictly adhere to the guidelines formulated by the Honourable Apex Court in **Arnesh Kumar's** case (supra).

6. With the above observations and direction, the Criminal Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Date: 09.11.2021
ssp

Dr. SHAMEEM AKTHER, J