

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12870 of 2022

Bansidhar Behera and others

Petitioners

....
Mr. P.C.Jena, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K.Mohanty, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
10.10.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Apprehending arrest in a case, which is likely to be registered under Section 498-A of the Indian Penal Code, the Petitioners, who are in-laws approach this Court under Section 438 Cr.P.C. Since no F.I.R. has been registered there is no apprehension of arrest of the Petitioners at the moment. Therefore, the ABLAPL is not maintainable.
3. However, it is open for the Arresting Officer to follow the mandatory procedure as has been directed by the Hon'ble Supreme Court of India in the case of **Arnesh Kumar-v.-State of Bihar and another** : reported in (2014) 8 SCC 273, if the same is applicable to the facts of the present case.

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4. The ABLAPL is accordingly disposed of.
5. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

RKS

