

THE HON'BLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION No.1119 OF 2022

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C., to quash the proceedings in Crime No.30 of 2022 of Jammikunta Town Police Station, Karimnagar District. The petitioners herein are accused Nos.2 to 4 in the said crime. The offences alleged against the petitioners/ A.2 to A.4 are under Sections 498-A, 323, 324 and 506 read with 34 of IPC and Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard Sri Kadaru Prabhakar Rao, learned counsel for the petitioners and learned Public Prosecutor. Despite service of notice, there is no representation on behalf of 2nd respondent. Perused the record.

3. During course of investigation, on considering the nature of injuries sustained by L.W.2-father of L.W.1/defacto-complainant, the Investigating Officer has altered the sections and added Section 326 of IPC. In view of the same, this Court directed the learned Public Prosecutor to get specific instructions with regard to nature of injuries received by the victim and also shall file copy of the injury certificate. Learned Public Prosecutor has filed Medical Certificate, dated 18.01.2022 with regard to injuries of L.Ws.1 and 2 issued by the Medical Officer, Government Civil

Hospital, Jammikunta, wherein it is specifically mentioned that L.W.1 has received simple injuries and L.W.2 has received grievous injury. There is fracture to his left hand middle finger. In the remand report also there is specific allegation against A.1 and A.3. A.2 is mother and A.3 is brother and A.4 is married sister of A.1. Against A.2 and A.4, there is no allegation for the offence under Section 324 of IPC.

4. In view of the above discussion, this Criminal Petition is disposed of directing the Investigating Officer in Cr.No.30 of 2022 of Jammikunta Town Police Station, Karimnagar District, is directed to strictly 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 insofar as A.2 and A.4 are concerned. Petitioners/A.2 and A.4 shall cooperate with the Investigating Officer by furnishing information and documents as sought by him in concluding investigation. The Investigating Officer is further directed not to arrest A.2 and A.4 till completion of investigation and filing of final report. This Criminal Petition is dismissed insofar as the 2nd petitioner/A.3 is concerned.

¹ (2014) 8 SCC 273

Miscellaneous petitions, if any, pending in this criminal petition,
shall stand closed.

JUSTICE K.LAKSHMAN

Date: 02-03-2022
vvr