

THE HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.6446 OF 2022

ORDER:-

1. Heard the submission of the learned counsel for the petitioners/Accused Nos.1 to 3. Also heard the learned Assistant Public Prosecutor representing the 1st respondent-State. In the light of the limited request made, issuance of notice to the 2nd respondent is felt not necessary.

2. Seeking to quash the proceedings that are pending against the petitioners/Accused Nos. 1 to 3 in Crime No.227 of 2022 of Choutuppal Police Station, Rachakonda, the present Criminal Petition is filed.

3. Learned counsel for the petitioners/Accused Nos. 1 to 3 submits that the petitioners 2 & 3 stood as sureties and the 1st petitioner has no role at all to play. But, basing on the complaint given by the Chief Ministerial Officer of the Court of Judicial Magistrate of First Class, Choutuppal, a case was registered against them. Learned counsel also states that no orders in this Criminal Petition are required except to protect the petitioners from arbitrary arrest.

4. Learned Assistant Public Prosecutor did not raise any objection for grant of such relief.

5. Thus, having regard to the facts and circumstances of the case, this Criminal Petition is disposed of with the following directions:

- (i) The Station House Officer, Choutuppal Police Station /Investigating Officer shall not effect arrest of the petitioners/Accused Nos.1 to 3 without following the procedure established by law.
- (ii) The Station House Officer, Choutuppal Police Station/Investigating Officer, shall adhere to the requirement to follow Section 41-A Cr.P.C except under the circumstances mentioned under Sections 41(1) and 41-A (4) Cr.P.C.
- (iii) The guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***¹ shall be followed.
- (iv) The Station House Officer/Investigating Officer shall not insist upon the personal appearance of the petitioners/Accused Nos. 1 to 3 during the course of investigation, except where their personal appearance is required.
- (v) In case the personal appearance of the petitioners/Accused Nos. 1 to 3 is required, the same shall be communicated to them in writing indicating the reasons for which their personal appearance is sought.

¹ (2014) 8 SCC 273

- (vi) However, it is made clear that the Investigation may go on.
 - (vii) That the petitioners/Accused Nos. 1 to 3 shall cooperate with the police during the process of investigation.
6. As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

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Dt.21.07.2022

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