

HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.7682 of 2022

ORDER:

Heard the submission of Sri J.Kanakaiah, learned counsel for the petitioner as well as the learned Assistant Public Prosecutor representing respondent No.1-State. In the light of the limited relief sought for, issuance of notice to respondent No.2 is felt not required.

2. Seeking the Court to quash the proceedings that are pending against the petitioner in Crime No.911 of 2022 of Gachibowli Police Station, Cyberabad District, the present Criminal Petition is filed.

3. Learned counsel for the petitioner submits that the petitioner has not indulged in any of the activities attracting the provisions of Sections 468, 471 and 420 IPC and a false case is foisted against him and further, Police are trying to arrest the petitioner arbitrarily. However, the learned counsel submits that no further orders are required in this Criminal Petition except to protect the petitioner from arbitrary arrest.

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

5. Having considered the submissions made thus, this Criminal Petition is disposed of with the following directions:-

- (1) The Station House Officer, Gachibowli Police Station, shall not effect arrest of the petitioner without following the procedure established by law.
- (2) The Station House Officer, Gachibowli 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.
- (3) The guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***¹ shall be followed.
- (4) The Station House Officer, Gachibowli Police Station/Investigating Officer shall not insist upon the personal appearance of the petitioner during the course of investigation, except where his personal appearance is required.
- (5) In case the personal appearance of the petitioner is required, the same shall be communicated to him

¹ (2014) 8 SCC 273

in writing indicating the reasons for which his personal appearance is sought.

(6) However, it is made clear that the Investigation may go on.

(7) That the petitioner shall co-operate with police during the process of investigation.

6. As a sequel, pending miscellaneous applications, if any, shall stand closed.

29.8.2022
dr

Dr.CHILLAKUR SUMALATHA, J