

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.8998 of 2022

ORDER:

Seeking to quash the proceedings that are pending against the petitioners, who are arrayed as Accused Nos.1 to 5 in Crime No.550 of 2022 of Kamareddy Town Police Station, Kamareddy District, the present Criminal Petition is filed.

2. Heard learned counsel for the petitioners as well as the learned Assistant Public Prosecutor, who is representing respondent No.1. Having regard to the limited request made by learned counsel for the petitioners, issuance of notice to respondent No.2/defacto complainant is felt not necessary.

3. Learned counsel for the petitioners states that petitioner No.1 is the husband of respondent No.2 and petitioner No.1 filed a O.P. against respondent No.2 seeking divorce and aggrieved by the same, respondent No.2 gave a false complaint against petitioner No.1 and his family members and basing on the same, the police are trying to arrest the petitioners arbitrarily. Learned counsel for the petitioners, therefore, states that no further orders in this Criminal Petition are required, except providing protection from arbitrary arrest of the petitioners by the police.

4. The learned Assistant Public Prosecutor did not raise any serious objection for granting such a relief.

5. Therefore, taking into consideration the submission thus made and also the facts and circumstances of the case, this Criminal Petition is disposed of with the following directions:

- (1) The Station House Officer, Kamareddy Town Police Station, shall not effect arrest of the petitioners/Accused Nos.1 to 5 without following the procedure established by law.
- (2) The Station House Officer, Kamareddy Town Police Station/ Investigating Officer shall adhere to the requirement to follow Section 41-A Cr.P.C. except under the circumstances mentioned under Section 41(1) Cr.P.C. and Section 41-A (4) Cr.P.C.
- (3) The guidelines issued by the Hon'ble Apex Court in ARNESH KUMAR Vs. STATE OF BIHAR - (2014) 8 SCC 273 shall be followed.
- (4) The Station House Officer, Kamareddy Town Police Station/Investigating Officer shall not insist upon the personal appearance of the petitioners/Accused Nos.1 to 5 during the course of investigation, except where their personal appearance is required.

(5) In case the personal appearance of the petitioners/Accused Nos.1 to 5 is required, the same shall be communicated to them in writing indicating the reasons for which their personal appearance is sought.

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

(7) That the petitioners/Accused Nos.1 to 5 shall cooperate with the police during the process of investigation.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

12.10.2022.

Msr

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