

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.9055 of 2022

ORDER:

Heard the submission of learned counsel for the petitioners as well as the learned Assistant Public Prosecutor who is 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 petitioners who are arrayed as accused Nos.1 and 2 in Crime No.130 of 2022 of Nawabpet Police Station, Vikarabad District, the present Criminal Petition is filed.

3. Learned counsel for the petitioners states that the dispute is purely civil in nature. Learned counsel submits that petitioner No.1 gave a complaint against respondent No.2 and others before the Telangana State Human Rights Commission and said the proceedings are pending before the said Commission. Learned counsel further submits that there are civil disputes between the family members of the petitioners. Petitioner No.2 and others filed a civil suit against petitioner No.1 and others and

the same is also pending. Learned counsel states that to settle civil scores, respondent No.2 gave a false complaint to Police and Police are trying to apprehend the petitioner arbitrarily. Learned counsel finally states that no further orders are required in this Criminal Petition except to protect the petitioners from arbitrary arrest.

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

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

(1)The Station House Officer, Nawabpet Police Station, Vikarabad District, shall not effect arrest of the petitioners without following the procedure established by law.

(2)The Station House Officer, Nawabpet 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, Nawabpet Police Station/Investigating Officer shall not insist upon the personal appearance of the petitioners during the course of investigation, except where their personal appearance is required.
- (5) In case the personal appearance of the petitioners 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 shall co-operate with police during the process of investigation.
6. As a sequel, pending miscellaneous applications, if

¹ (2014) 8 SCC 273

any, shall stand closed.

Dr. CHILLAKUR SUMALATHA, J

14.10.2022

Note:

Issue CC by 17.10.2022.

B/o

dr