

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.9462 of 2022

ORDER :

1. Heard the submission of the learned counsel for the petitioner as well as the learned Additional Public Prosecutor, who is representing respondent No.1.
2. In the light of the limited relief sought for, issuance of notice to respondent No.2 is felt not necessary.
3. Seeking the Court to quash the proceedings that are pending against the petitioner, who is arrayed as Accused in Crime No.1588 of 2022 of L.B.Nagar Law and Order Police Station, Rachakonda Commissionerate, the present Criminal Petition is filed.
4. Learned counsel for the petitioner submits that basing on a dispute that arose regarding civil contract works, Respondent No.2 gave a false complaint to Police and indeed the entire dispute is civil in nature. Learned counsel submits that even the contents of the complaint does not attract any of the provisions indicated in the FIR and therefore, the proceedings are not maintainable. However, learned counsel finally submits that the police

are trying to arrest the petitioner arbitrarily. Hence, no further orders in this criminal petition are required except protect the petitioner from arbitrary arrest.

5. Learned Additional Public Prosecutor did not raise any serious objection to grant such a relief.

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

(1) The Station House Officer, L.B.Nagar Law and Order Police Station /Investigating Officer, shall not effect arrest of the petitioner without following the procedure established by law.

(2) The Station House Officer, L.B.Nagar Law and Order 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.

¹ (2014) 8 SCC 273

- (4) The Station House Officer, L.B.Nagar Law and Order 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 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.
7. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

Dt. 03.11.2022
vns

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