

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10029 of 2022

ORDER:

1. Heard the submission of 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 required.
3. Seeking the Court to quash the proceedings that are pending against the petitioner who is arrayed as accused No.5 in Crime No.159 of 2022 of Chengomul Police Station, Vikarabad District, the present Criminal Petition is filed.
4. Learned counsel for the petitioner submits that the dispute is purely civil in nature and indeed, two Writ Petitions were filed before this Court regarding the subject matter. Learned counsel also submits that basing on the complaint given, a case was registered against the persons who supported respondent No.2 and charge sheet was also laid. Learned counsel for the petitioner also contends that police ought not to have entertained the complaint given by respondent No.2 as

the dispute is civil in nature. However, learned counsel finally states that no further orders are required in this Criminal Petition except to protect the petitioner from arbitrary arrest.

5. Learned Additional Public Prosecutor did not raise any serious objection for grant of 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, Chengomul Police Station, shall not effect arrest of the petitioner without following the procedure established by law.

(2) The Station House Officer, Chengomul 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, Chengomul 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, pending miscellaneous applications, if any, shall stand closed.

Dt.15.11.2022
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Dr. CHILLAKUR SUMALATHA, J