

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.10305 OF 2022****ORDER:**

The present application is filed praying this Court to quash the proceedings in FIR No. 301 of 2022 on the file of Police Station Bibinagar Police Station, Rachakonda Commissionerate against the petitioners/accused Nos.3 & 4 herein.

2. Heard both sides.

3. Learned counsel for the petitioners states that the petitioners have not committed any offence whatsoever. Learned counsel further submits that the dispute is purely civil in nature and the competent civil Court passed a decree in favour of the petitioners. But without obliging the same, the 2nd respondent filed a private complaint and got registered a false case against the petitioners. Learned counsel states that time and again police are calling the petitioners to police station and are trying to arrest the petitioners arbitrarily and therefore, no further orders are required in this Criminal Petition, except to protect the petitioners from arbitrary arrest.

4. Learned Additional Public Prosecutor did not raise any objection for grant of such relief.

5. Thus, having regard to the submissions made and keeping in view the facts and circumstances of the case, the Criminal Petition is disposed of with the following directions:

(i) The Station House Officer, Bibinagar Police Station/Investigation Officer shall not effect arrest of the petitioners/accused Nos.3 & 4 without following the procedure established by law.

(ii) The Station House Officer, Bibinagar Police Station/Investigation 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.

(iii) The guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar***¹ shall be followed.

(iv) The Station House Officer, Bibinagar Police Station/Investigation Officer shall not insist upon the personal appearance of the petitioners/accused Nos.3 & 4 during the course of investigation, except where their personal appearance is required.

¹ (2014) 8 SCC 273

(v) In case the personal appearance of the petitioners/accused Nos.3 & 4 is required, the same shall be communicated to them in writing indicating the reasons for which his personal appearance is sought.

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

(vii) That the petitioners/accused Nos.3 & 4 shall cooperate with the police during the process of investigation.

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

Date:- 22.11.2022
PKR

K.SURENDER, J

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