

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

CRIMINAL PETITION NO.6561 OF 2023

ORDER:

This Criminal Petition, under Section 482 Cr.P.C., has been filed on behalf of the petitioners/accused Nos.2 to 6 herein to quash the proceedings in Crime No.138 of 2023 of Rayadurgam Urban Police Station, Ananthapur District, registered for the offences punishable under Sections 498-A, 323 read with 34 of I.P.C and 3 & 4 of D.P Act.

2. Learned counsel for the petitioners, after arguing for some time, has confined his argument to the extent of protecting the petitioners herein from the coercive action by police on the ground that the offences alleged are punishable with imprisonment of less than seven years and prays this Court to direct the police to follow the procedure as contemplated under Section 41-A of Cr.P.C.

3. On the other hand, learned Assistant Public Prosecutor did not oppose the same and concurred with the submission made by the learned counsel for the petitioners for the reason that the offences alleged are punishable with imprisonment of less than seven years.

4. Heard. Perused the material on record.

5. Since the offences alleged are punishable with imprisonment of less than seven years, this Court directs the police to follow the procedure as contemplated under Section 41A of Cr.P.C. scrupulously as per the guidelines enunciated in ***Arnesh Kumar Vs. State of Bihar and another***¹.

6. With the above direction, the Criminal Petition is disposed of.

7. As a sequel thereto, the miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

K. SREENIVASA REDDY, J.

Date:04.09.2023
PKR

¹ (2014) 8 SCC 273

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