

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.1466 of 2023

Order:

This Criminal Petition, under Section 482 Cr.P.C. has been filed on behalf of the petitioners/Accused Nos.1 and 3 to quash the proceedings in Crime No.18 of 2023 of Draksharama Police Station, Dr. B.R. Ambedkar Konaseema District.

2. A case has been registered against the petitioners A.1 and A.3 and another for the offences punishable under Sections 427, 379, 506 r/w 34 IPC.

3. Learned counsel for the petitioners, after arguing for some time, confined his argument to the extent of protecting the petitioners/A.1 and A.3 from police since all the offences alleged against the petitioners are punishable with imprisonment below 7 years.

4. Learned Assistant Public Prosecutor also concurs with the submission made by the learned counsel for the petitioners/A1 and A3.

5. Heard. Perused the record.

6. The material on record goes to show that there are specific accusations made against the petitioners/A.1 and A.3 herein and another and it is premature for this Court to conduct a roving enquiry into the disputed questions of fact in a petition filed under Section 482 Cr.P.C., and quash the proceedings. However, Since the offences alleged against the petitioners/A.1 and A.3 are punishable with imprisonment of less than 7 years, the police concerned are directed to follow the procedure contemplated under Section 41-A of Cr.P.C. scrupulously as per the guidelines laid down under ***Arnesh Kumar Vs. State of Bihar and another***¹.

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

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

K. SREENIVASA REDDY, J

Dated:23.02.2023
ARB/SR

¹ (2014) 8 SCC 273