

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.2462 of 2023

Order:

This Criminal Petition, under Section 482 Cr.P.C., has been filed on behalf of the petitioners herein to quash the proceedings in Crime No.47 of 2023 of Buchireddypalem Police Station, Sri Potti Sriramulu Nellore District, registered for the offence punishable under Section 353 read with 34 IPC.

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 police on the ground that the offence alleged is punishable with imprisonment of less than seven years and prays this Court to direct the police to follow the procedure as contemplated under Section 41A 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 offence alleged is punishable with imprisonment of less than seven years.

4. Heard. Perused the material on record.

5. Since the offence alleged is 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 directions, 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:04.04.2023
ARB/RSD

¹ (2014) 8 SCC 273