

THE HON'BLE SRI JUSTICE K. LAKSHMAN**CRIMINAL PETITION No.1356 OF 2022****ORDER:**

This Criminal Petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in Crime No.10 of 2022 pending on the file of Chintapally Police Station, Nalgonda District. The offences alleged against the petitioner herein are under Sections 448, 323 and 506 r/w 34 I.P.C.

2. Heard Sri Mangulal, learned counsel for the petitioner, and learned Public Prosecutor. Perused the record.

3. The contents of the complaint would reveal that respondent No.2 is taking care of land to an extent of Ac.1.07 guntas situated at Kurmed Village, Chinthapally Mandal, belonging to Sri B. V. Ravikiran, who is said to have been the owner of the said land. Though the alleged incident took place on 25.01.2022, respondent No.2 lodged the complaint on 27.01.2022. Thus, there is delay of 48 hours in lodging the complaint.

4. There are several factual aspects to be investigated into by the Investigating Officer during the course of investigation.

5. There is a serious allegation against the petitioner that petitioner herein threatened respondent No.2 that he is the follower of Nayeem and he has removed 22 heads. Therefore, it is a matter to be investigated into by the Investigating Officer during the course of investigation. All the offences alleged against the petitioner herein are punishable offences and the punishment

prescribed for the offences levelled against the petitioner herein is below 7 years.

6. In view of the same, the Criminal Petition is disposed of directing the Investigating Officer in Crime No.10 of 2022 pending on the file of Chintapally Police Station, Nalgonda District, to strictly follow the procedure laid down under Section 41-A Cr.P.C., and also the guidelines issued by the Apex Court in **Arnesh Kumar v. State of Bihar and another**¹. The Investigating Officer is also directed not to arrest the petitioner herein till completion of investigation and filing of final report. The petitioner shall cooperate with the Investigating Officer by furnishing information and documents sought by him in completing investigation.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

K. LAKSHMAN, J

Date:11.02.2022

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¹ (2014) 8 SCC 273

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