
(2022) 09 TEL CK 0019
In the Telangana High Court
Case No : Criminal Petition No. 8058 Of 2022

Pillendla Saritha And Another

APPELLANT

Vs

State Of Telangana And Another

RESPONDENT

Date of Decision : 07-09-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 41(1), 41A, 41A(4)

Citation : (2022) 09 TEL CK 0019

Hon'ble Judges : Dr. Chillakur Sumalatha, J

Bench : Single Bench

Advocate : R A Chary

Final Decision : Disposed Of

Judgement

1. Heard the submission of the learned counsel for the petitioners as well as the learned Assistant Public Prosecutor representing Respondent No.1-State.
2. In the light of the limited request made, issuance of notice to Respondent No.2 is felt not required.
3. Seeking the Court to quash the proceedings that are pending against the petitioners who are arrayed as Accused Nos.1 & 2 in Crime No.265 of 2022 of Bhongir Town Police Station, the present Criminal Petition is filed.
4. Learned counsel for the petitioners submits that petitioners 1 & 2 are the wife and husband and the 1st petitioner is the daughter of the 2nd respondent/de facto complainant. Learned counsel further submits that the 2nd respondent is a literate woman and the allegations levelled against her daughter and son-in-law i.e. the petitioners herein are all false and indeed, civil suit is pending. Learned counsel further states that as the Police are trying to arrest the petitioners arbitrarily, despite the dispute being civil in nature, no further orders in this Criminal Petition are required, except to protect the petitioners from arbitrary arrest.

5. Learned Assistant 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, this Criminal Petition is disposed of with the following directions:

(i) The Station House Officer, Bhongir Town Police Station /Investigating Officer shall not affect arrest of the petitioners/Accused Nos.1 & 2 without following the procedure established by law.

(ii) The Station House Officer, Bhongir Town Police Station/Investigating 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 Vs. State of Bihar (2014) 8 SCC 273 shall be followed.

(iv) The Station House Officer/Investigating Officer shall not insist upon the personal appearance of the petitioners/Accused Nos.1 & 2 during the course of investigation, except where their personal appearance is required.

(v) In case the personal appearance of the petitioners/Accused Nos.1 & 2 is required, the same shall be communicated to them in writing indicating the reasons for which their personal appearance is sought.

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

(vii) That the petitioners/Accused Nos.1 & 2 shall cooperate with the police during the process of investigation.

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