

# **Mr. Rasesh Kumar Harkut vs The State Of Telangana on 27 July, 2022**

**Author: Chillakur Sumalatha**

**Bench: Chillakur Sumalatha**

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA  
CRIMINAL PETITION No.6702 OF 2022

ORDER:

Seeking to quash the proceedings that are pending against the petitioners, who are arrayed as accused Nos.1 and 2 in Crime No.651 of 2022 of Kusaiguda Police Station, the present criminal petition is filed.

2. Heard the submission of learned counsel for the petitioners as well as learned Assistant Public Prosecutor, who is representing respondent No.1. In the light of the limited relief sought for, issuance of notice to respondent No.2 is felt not necessary.

3. Learned counsel for the petitioners contends that registration of case against the petitioners itself is unsustainable, as police have no role to play in the offences that are covered under the Food Safety and Standards Act, 2006. Learned counsel also states that no further orders in this criminal petition are required, except to protect the petitioners from arbitrary arrest.

4. Learned Assistant Public Prosecutor did not raise any objection to direct the concerned police to follow the procedure established by law.

2 Dr.CSL,J

5. Thus, having regard to the facts and circumstances of the case, this Court considers it desirable to dispose of this Criminal Petition with the following directions:-

(1) The Station House Officer, Kusaiguda Police Station, shall not effect arrest of the petitioners/Accused Nos.1 and 2 without following the procedure established by law.

(2) The Station House Officer, Kusaiguda Police Station/Investigating Officer shall adhere to the requirement to follow Section 41-A Cr.P.C except under the circumstances mentioned under Section 41(1) Cr.P.C and Section 41-A (4) Cr.P.C.

(3) The guidelines issued by the Hon'ble Apex Court in ARNESH KUMAR Vs. STATE OF BIHAR - (2014) 8 SCC 273 shall be followed.

(4) The Station House Officer/Investigating Officer shall not insist upon the personal

appearance of the petitioners/Accused Nos.1 and 2 during the course of investigation, except where their personal appearance is required.

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

3 Dr.CSL,J (6) However, it is made clear that the Investigation may go on.

(7) The petitioners/Accused Nos.1 and 2 shall cooperate with the police during the process of investigation. With the above directions, this Criminal Petition is disposed of.

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

\_\_\_\_\_ DR. CHILLAKUR SUMALATHA, J 27.07.2022 JSU