

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.8855 OF 2017

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the proceedings in Crime No.26 of 2017 on the file of Bitragunta Police Station, S.P.S.R. Nellore District, registered for the offences punishable under Sections 498-A, 506 read with 34 of Indian Penal Code (for short "I.P.C.") and under Sections 3 and 4 of Dowry Prohibition Act.

Sri M.A.K.Mukheed, learned counsel for the petitioners after arguing the matter for sometime, requested this Court to direct the police to follow the procedure laid down under Section 41-A of Cr.P.C and guidelines formulated by the Apex Court in "**Arnesh Kumar v. State of Bihar and another¹**" and "**Rajesh Sharma v. State of U.P.²**"

Acceding to the request of the learned counsel for the petitioners, without touching the merits, I find that it is a fit case to issue direction to the police to follow the procedure laid down under Section 41-A of Cr.P.C and the guidelines issued by the Apex Court in "**Arnesh Kumar v. State of Bihar and another**" and "**Rajesh Sharma v. State of U.P.**" (referred supra). It is needless to mention that the Supreme Court made it clear that violation of guidelines in "**Arnesh Kumar v. State of Bihar and another**" (referred supra) amounts to Contempt of Court action. Therefore, the Investigating Agency is bound to adhere to the guidelines issued in "**Arnesh Kumar v. State of Bihar and another**" (referred supra).

¹ (2014) 8 SCC 273

² 2017 (2) ALT (CrI.) 393 (SC)

With the above direction, the criminal petition is disposed of.
No costs.

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

JUSTICE M. SATYANARAYANA MURTHY

19.09.2017
Ksp

