

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.8826 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.62 of 2017 on the file of Vallampudi Police Station, Vizianagaram District, registered for the offences punishable under Sections 354, 509 read with 34 of Indian Penal Code (for short "I.P.C.") and under Section 3 (1) (s), 3 (1) (r), 3 (2) (v) (a) of S.Cs. and S.Ts. (POA) Act.

Sri B.Sasi Bhushan Rao, learned counsel for the petitioner 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"***.

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"*** (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

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

