

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.12786 OF 2017

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the Crime/F.I.R.No.96 of 2017 on the file of Kondapuram Police Station, SPSR Nellore District.

Learned counsel for the petitioners after arguing 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 Bihar¹"**.

Acceding to the request of the learned counsel for the petitioners and without touching the merits of the case, I deem it appropriate to direct the police to follow the procedure laid down in Section 41-A of Cr.P.C. and guidelines prescribed in **"Arnesh Kumar v. State of Bihar"** (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"** (referred supra) amounts to Contempt of Court action. Therefore, the Investigation Agency is bound to adhere to the guidelines formulated by the Apex Court in **"Arnesh Kumar v. State of Bihar"** (referred supra).

With the above directions, the petition is disposed of. No costs.

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

JUSTICE M. SATYANARAYANA MURTHY

22.12.2017
Ksp

¹ (2014) 8 SCC 273