

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.4408 OF 2018

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the proceedings in Crime/F.I.R.No.35 of 2018 on the file of Law and Order Police Station, Airport, Visakhapatnam District, registered for the offence punishable under Section 498-A of I.P.C. and under Section 3 (1) (s) of S.Cs. and S.Ts. (POA) Act.

Learned counsel for the petitioner 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**", "**Rajesh Sharma v. State of U.P.²**" and "**Subhash Kashinath Mahajan v. State of Maharashtra³**".

Acceding to the request of the learned counsel for the petitioner 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**" "**Rajesh Sharma v. State of U.P.**" and "**Subhash Kashinath Mahajan v. State of Maharashtra**". (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.**

¹ (2014) 8 SCC 273

² 2017 (2) ALT (CrI.) 393 (SC)

³ 2018 Law Suit (SC) 233

***State of Bihar” “Rajesh Sharma v. State of U.P.” and
“Subhash Kashinath Mahajan v. State of Maharashtra”***
(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

30.04.2018
Ksp

