

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.15285 OF 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India to quash the Crime/F.I.R.No.39 of 2018 on the file of Sangareddy TN Police Station, Sangareddy District.

Sri J.Sudheer, 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”***.

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”*** (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 direction, the writ petition is disposed of. No costs.

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

JUSTICE M. SATYANARAYANA MURTHY

26.06.2018

Ksp

¹ (2014) 8 SCC 273