

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.6916 OF 2018

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.195 of 2017 on the file of Bhavanipuram Police Station, Vijayawada City.

2. 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 the guidelines formulated by the Apex Court in *Arnesh Kumar v. State of Bihar*¹.

3. 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 the guidelines prescribed in *Arnesh Kumar's* case (supra). It is needless to mention that the Supreme Court made it clear that violation of guidelines in *Arnesh Kumar's* case (supra) amounts to Contempt of Court action. Therefore, the Investigating Agency is bound to adhere to the guidelines formulated by the Apex Court in *Arnesh Kumar's* case (supra).

4. With the above directions, the criminal petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

July 5, 2018
LMV

¹ (2014) 8 SCC 273