

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.9005 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.177 of 2018 on the file of Shahinayathgunj Police Station, Hyderabad City.

Learned counsel for the petitioner/accused No.2 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/accused No.2 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 Investigating 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

24.08.2018
Ksp

¹ (2014) 8 SCC 273