

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.9327 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") to quash the Crime/F.I.R.No.124 of 2018 on the file of the Kandukur Town Police Station, Prakasam District.

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 Bihar*¹".

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 Hon'ble 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).

¹ (2014) 8 SCC 273

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

September 04, 2018
Mgr

