

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY
CRIMINAL PETITION No.9483 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code') to quash Crime/F.I.R.No.22 of 2018 on the file of the Noothankal Police Station, Suryapet District, registered for the offences punishable under Sections 147, 148, 323, 324, 326, 504 and 506 read with 109 and 149 of the Indian Penal Code, 1860 (for short 'IPC').

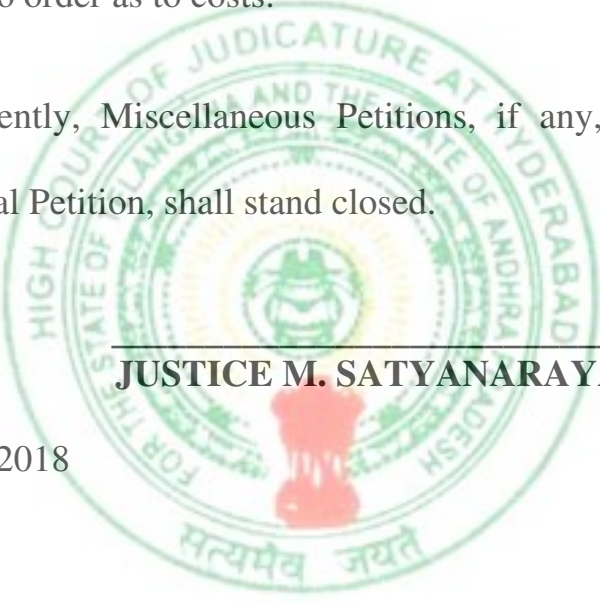
Though the petitioners raised several grounds in the present Criminal Petition, learned counsel for the petitioners, Sri Kiran Palakurthy, requested this Court to pass appropriate order directing the Investigating Agency to follow the procedure under section 41A of the Code and the guidelines formulated by the Apex Court in **Arnesh Kumar v. State of Bihar**¹. But, the offence punishable under Section 326 IPC is punishable with imprisonment for life. Therefore, this Court did not accept the request. However, the learned Special Public Prosecutor for Telangana State furnished copies of statements recorded under Section 161 of the Code by the Investigating Agency during investigation, and these statements would disclose that these petitioners, who are arraigned as accused Nos.5 and 6 in the aforesaid crime, threatened the injured only and nothing more. Therefore, the offence allegedly committed by the petitioners herein, at best, would fall within the provisions of Section 506 IPC and not Section 326 IPC, as contended by these petitioners.

¹ (2014) 8 SCC 273

Hence, Investigating Officer is directed to follow the procedure inlaid in Section 41-A of the Code and guidelines prescribed in **Arnesh Kumar¹**. It is needless to mention that the Hon'ble Supreme Court made it clear that violation of guidelines in **Arnesh Kumar¹** amounts to Contempt of Court action. Therefore, the Investigation Agency is bound to adhere to the guidelines formulated by the Apex Court in **Arnesh Kumar¹**.

With the above directions, the present Criminal Petition is disposed of. No order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition, shall stand closed.



JUSTICE M. SATYANARAYANA MURTHY

September 06, 2018
Mgr