

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.9671 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.81 of 2018 on the file of Aswapuram Police Station, Khammam District, registered for the offence punishable under Section 420 of the Indian Penal Code, 1860 (for short 'IPC').

2. Learned counsel for the petitioner after arguing for sometime, requested this Court to direct the police to follow the procedure inlaid in Section 41-A of the Code and 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 petitioner and without touching the merits of the case, I deem it appropriate to direct the police to follow the procedure inlaid in Section 41-A of the Code and guidelines prescribed in **Arnesh Kumar**¹, if applicable. It is needless to mention that the Hon'ble Supreme Court made it clear that violation of guidelines in **Arnesh Kumar**¹ 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**¹, if applicable.

¹ (2014) 8 SCC 273

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 11, 2018
Mgr

