

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.9723 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code'), is filed by the petitioners - accused Nos.1 to 6, viz., Macha Suvartha Rao, Chinthalapudi Sanyasi Rao alias Sanjeevu, Sinigepalli Srinu, Doni Srinu, Sinigepalli Nagaraju and Surada Tata Rao, respectively, seeking to quash the proceedings against them in Crime/F.I.R.No.102 of 2018 dated 21.08.2018 on the file of Chirala Police Station, Prakasham District, Andhra Pradesh State, registered for the offences punishable under Sections 468, 471, 477-A, 409 and 120-B read with 34 of the Indian Penal Code, 1860.

2. Learned counsel for the petitioners 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 petitioners 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 the guidelines prescribed in **Arnesh Kumar**¹. It is needless to mention that the Hon'ble Supreme Court made it clear that violation of guidelines prescribed in **Arnesh Kumar**¹ amounts to Contempt of Court action. Therefore, the Investigating

¹ (2014) 8 SCC 273

Agency is bound to adhere to the guidelines formulated by the Apex Court in **Arnesh Kumar**¹.

4. With the above directions, the present Criminal Petition is disposed of at the stage of admission itself.

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

M. SATYANARAYANA MURTHY, J

September 12, 2018
Mgr

