

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.9882 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.7 and 9 viz., Yannabathina Venkateswara Rao alias Annabathina Chinna and Puchalapalli Venkateswara Rao alias Venkateswarlu, seeking to quash the proceedings against them in Crime No.193 of 2018 dated 03.09.2018 on the file of Tangutur Police Station, Prakasam District, Andhra Pradesh, registered for the offences punishable under Sections 143, 147, 324 read with 149 of the Indian Penal Code, 1860, and Section 3(1) and 3(ii) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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

¹ (2014) 8 SCC 273

amounts to Contempt of Court action. Therefore, the Investigating Agency is bound to adhere to the guidelines formulated by the Apex Court in **Arnesh Kumar¹**.

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 18, 2018
Mgr

