

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.10898 OF 2018

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the Crime/F.I.R.No.266 of 2018 on the file of Duvvada Police Station, Visakhapatnam District.

Learned counsel for the petitioner/accused No.2 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 Bihar¹**" and "**Dr. Subhash Kashinath Mahajan v. The State Of Maharashtra²**".

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 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**" and "**Dr. Subhash Kashinath Mahajan v. The State Of Maharashtra**" (referred supra).

With the above directions, the petition is disposed of. No costs.

¹ (2014) 8 SCC 273

² AIR 2018 SC 1498

Consequently, miscellaneous petitions pending, if any, shall also stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

11.10.2018
Ksp

