

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.10783 OF 2018

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code') is filed by the petitioner - accused viz., D. Muthyalu to quash the proceedings against him in Crime No.273 of 2018 dated 24.08.2018 on the file of Alipiri Police Station, Tirupathi Urban, Chittoor District, registered for the offence punishable under Section 420 of the Indian Penal Code, 1860.

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

¹ (2014) 8 SCC 273

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

October 10, 2018

Mgr

