

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.10803 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 No.2 viz., Kiran alias R. Jyothi Kiran to quash the proceedings against him in Crime No.103 of 2018, dated 18.08.2018 on the file of Piler Police Station, Chittoor District, registered for the offences punishable under Sections 341, 323, 354 and 506 read with Section 34 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

