

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.10810 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 4 respectively viz., Yemineni Ramesh alias Stalin, Vaka Srinivasa Rao, Vaka Manikanta Sai and Yemineni Koteswara Rao to quash the proceedings against them in Crime No.159 of 2018 dated 12.09.2018 on the file of Duggirala Police Station, Guntur District, registered for the offences punishable under Sections 506 read with Section 34 of the Indian Penal Code, 1860, and 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

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.

October 10, 2018
Mgr

M. SATYANARAYANA MURTHY, J

