

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.10871 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 viz., Bathula Paul Martin, Bathula Ruthu, Bathula Isaac Wesley and Bathula Steaven Joseph, respectively, to quash the proceedings against them in Crime/FIR No.118 of 2018 on the file of Reddigudem Police Station, Krishna District, Andhra Pradesh State, registered for the offences punishable under Sections 323 and 506 read with 34 of the Indian Penal Code, 1860 and Sections 3 (1) (s) and 3 (1) (r) 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 Kumar**¹.

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 12, 2018
Mgr

M. SATYANARAYANA MURTHY, J

