

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.4140 of 2019

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioners/Accused Nos.1 and 3 seeking to quash the proceedings against them in Crime No.237 of 2019 of Balapur Police Station, Rachakonda District, registered for the offence punishable under Section 420 I.P.C. and Section 7 (1) of the Essential Commodities Act.

2. Heard the learned counsel for the petitioners/Accused Nos.1 and 3 and the learned Additional Public Prosecutor representing the 1st respondent-State. Perused the record.

3. Though the learned counsel for the petitioners/Accused No.1 and 3 filed the present petition for quashing the investigation in the aforesaid crime, he restricts his prayer seeking a direction to the Investigating agency to follow the procedure prescribed under Section 41-A Cr.P.C. and follow the guidelines prescribed by the Apex Court in **Arnesh Kumar v. State of Bihar and another**¹.

4. The learned Additional Public Prosecutor conceded the said request.

5. Under these circumstances, the Station House Officer, Balapur Police Station, Rachakonda District, is directed to follow the procedure laid down under Section 41-A Cr.P.C. before arresting the petitioners/Accused Nos.1 and 3 and strictly adhere to the guidelines formulated by the Apex Court in **Arnesh Kumar case (supra)**. However, no coercive steps shall be taken against the

¹ AIR 2014 SC 2756

petitioners/accused Nos.1 and 3 are concerned till filing of the final report.

6. With the above direction, the Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

JUSTICE G.SRI DEVI

JULY 18, 2019

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Date:18.07.2019

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