

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.4447 of 2019

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioner/Accused seeking to quash the proceedings against him in Crime No.139 of 2019 of Bhainsa Town Police Station, Nirmal District, registered for the offences punishable under Sections 294 (b), 186 and 506 I.P.C and Section 3 (1) (r) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

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

3. Though the learned counsel for the petitioner/Accused 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, Bhainsa Town Police Station, Nirmal District, is directed to follow the procedure laid down under Section 41-A Cr.P.C. before arresting the petitioner/Accused and strictly adhere to the guidelines formulated by the Apex Court in **Arnesh Kumar case (supra)**. However, no

¹ AIR 2014 SC 2756

coercive steps shall be taken against the petitioner/accused 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 29, 2019

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Date:29.07.2019

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