

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.5032 of 2019

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioner/Accused No.4 seeking to quash the proceedings against him in Crime No.251 of 2018 of Lalaguda Police Station, Secunderabad, pending on the file of XIX Additional Chief Metropolitan Magistrate, Secunderabad in C.C.No.435 of 2017, registered for the offences punishable under Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (POA) Act, 1989.

2. Heard learned counsel for the petitioner/Accused No.4, learned Additional Public Prosecutor representing the 1st respondent-State and perused the record.

3. Though learned counsel for the petitioner/Accused No.4 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. Learned Additional Public Prosecutor conceded the said request stating that the punishment for the alleged offence is imprisonment for seven years and below seven years.

5. Under these circumstances, the Station House Officer, Lalaguda Police Station, Secunderabad, is directed to follow the procedure laid down under Section 41-A Cr.P.C. before arresting the

¹ AIR 2014 SC 2756

petitioner/Accused No.4 only 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 petitioners/accused No.4 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.

23.08.2019
kvrn

JUSTICE G.SRI DEVI

