

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.4952 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 FIR No.716 of 2018 of Kushaiguda Police Station, Rachakonda District, registered for the offences punishable under Sections 447, 504, 506 IPC and Section 3(1)(s)(g) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (POA) Act, 1989.

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

3. Though 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. 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, Kushaiguda Police Station, is directed to follow the procedure laid down under Section 41-A Cr.P.C. before arresting the petitioner/Accused only and strictly adhere to the guidelines

¹ AIR 2014 SC 2756

formulated by the Apex Court in **Arnesh Kumar case (supra)**. However, no 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

23.08.2019
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