**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

MONDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY

**PRESENT**

**THE HONOURABLE SRI JUSTICE K. LAKSHMAN**

**CRIMINAL PETITION NOS 4918, 4898, 4892, 4891, 4929, 4890, 4877, AND 4878 OF 2020**

**CRIMINAL PETITION NO: 4918 OF 2020**

**Between:**

Yelimineti Prashanth, S/o. Naraiah, Aged 23 years, Occ. Driver, R/o.Thavaklapur (V), Dindi (M), Nalgonda- 508258

**...Petitioner/Accused No.11**

**AND**

1. The State of Telangana, Through P.S., Dindi, Nalgonda District, Telangana State.

**...Respondent**

2. Mudavath Kishan, S/o. Hemla, Aged 42 years., Occ. Electricity Line Man Lineman of Thowklapur, R/o. Bramhanapally Village, Dindi Mandal, Nalgonda District

**...Defacto Complainant**

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to call for the records in Cr.No.85 of 2020 pending with Police Station Dindi, at Gundlapally Mandal, Nalgonda District against the Petitioner/ Accused No.11.

**I.A. NO: 1 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with filing of the certified copy of F.I.R.No.85 of 2020, dated 27/08/2020 on the file of Police Station Dindi, Nalgonda.

**I.A. NO: 2 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of all proceedings against the Petitioner/Accused.No.11 in Crime and RCD.No.85 of 2020 on the file of Police Station Dindi, Nalgonda.

**CRIMINAL PETITION NO: 4898 of 2020**

**Between:**

Janthuka Laxmaiah, S/o. Jangaiah, Aged 50 years, Occ. Agriculture R/o.Thavaklapur (V), Dindi (M) Nalgonda- 508258

**...Petitioner/Accused No.12**

**AND**

1. The State of Telangana, Through P.S., Dindi, Nalgonda District, Telangana State.

**...Respondent**

2. Mudavath Kishan, S/o. Hemla, Aged 42 years., Occ. Electricity Line Man Lineman of Thowklapur, R/o. Bramhanapally Village, Dindi Mandal, Nalgonda District

**...Defacto Complainant**

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to call for the records in Cr.No.85 of 2020 pending with Police Station Dindi, at Gundlapally Mandal, Nalgonda District against the Petitioner/ Accused No.12.

**I.A. NO: 1 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with filing of the certified copy of F.I.R.No.85 of 2020, dated 27/08/2020 on the file of the Police Station Dindi, Nalgonda District.

**I.A. NO: 2 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of all proceedings against the Petitioner/Accused.No.12 in Crime and RCD.No.85 of 2020 on the file of Police Station Dindi, Nalgonda.

**CRIMINAL PETITION NO: 4892 of 2020**

**Between:**

Palleti Dilip, S/o. Sailu, Aged 33 years, Occ. Photographer, R/o.Thavaklapur (V), Dindi (M), Nalgonda- 508258

**...Petitioner/Accused No.13**

**AND**

1. The State of Telangana, Through P.S., Dindi, Nalgonda District, Telangana State.

**...Respondent**

2. Mudavath Kishan, S/o. Hemla, Aged 42 years., Occ. Electricity Line Man Lineman of Thowklapur, R/o. Bramhanapally Village, Dindi Mandal, Nalgonda District

**...Defacto Complainant**

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to call for the records in Cr.No.85 of 2020 pending with Police Station Dindi, at Gundlapally Mandal, Nalgonda District against the Petitioner/ Accused No.13.

**I.A. NO: 1 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with filing of the certified copy of F.I.R.No. 85 of 2020, dated 27/08/2020 on the file of the Police Station Dindi, Nalgonda District.

**I.A. NO: 2 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of all proceedings against the Petitioner/Accused.No.13 in Crime and RCD.No.85 of 2020 on the file of Police Station Dindi, Nalgonda.

**CRIMINAL PETITION NO: 4891 of 2020**

**Between:**

Yelimineti Rakesh @ Chinnalu, S/o. Manahor, Aged 28 years, Occ. Agriculture, R/o.Thavaklapur (V), Dindi (M), Nalgonda- 508258.

**...Petitioner/Accused No.14**

**AND**

1. The State of Telangana, Through P.S., Dindi, Nalgonda District, Telangana State.

**...Respondent**

2. Mudavath Kishan, S/o. Hemla, Aged 42 years., Occ. Electricity Line Man Lineman of Thowklapur, R/o. Bramhanapally Village, Dindi Mandal, Nalgonda District

**...Defacto Complainant**

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to call for the records in Cr.No.85 of 2020 pending with Police Station Dindi, at Gundlapally Mandal, Nalgonda District against the Petitioner/ Accused No.14.

**I.A. NO: 1 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with filing of the certified copy of F.I.R.No.85 of 2020, dated 27/08/2020 on the file of the Police Station Dindi, Nalgonda District.

**I.A. NO: 2 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of all proceedings against the Petitioner/Accused.No.14 in Crime and RCD.No.85 of 2020 on the file of Police Station Dindi, Nalgonda.

**CRIMINAL PETITION NO: 4929 of 2020**

**Between:**

Jajala Renaiah, S/o. Naraiah, Aged 32 years, Occ. Barber R/o.Thavaklapur (V), Dindi (M) Nalgonda- 508258

**...Petitioner/Accused No.15**

**AND**

1. The State of Telangana, Through P.S., Dindi, Nalgonda District, Telangana State, represented by Public Prosecutor, High Court Hyderabad.

**...Respondent**

2. Mudavath Kishan, S/o. Hemla, Aged 42 years., Occ. Electricity Line Man Lineman of Thowklapur, R/o. Bramhanapally Village, Dindi Mandal, Nalgonda District

**...Defacto Complainant**

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to call for the records in Cr.No.85 of 2020 pending with Police Station Dindi, at Gundlapally Mandal, Nalgonda District against the Petitioner/ Accused No.15.

**I.A. NO: 1 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with filing of the certified copy of FIR No.85 of 2020, dated.27-08-2020 on the file of Police Station Dindi, Nalgonda.

**I.A. NO: 2 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of all proceedings against the Petitioner/Accused.No.15 in Crime and RCD.No.85 of 2020 on the file of Police Station Dindi, Nalgonda.

**CRIMINAL PETITION NO: 4890 of 2020**

**Between:**

Vankeshwaram Sadanandam, S/o. Ramulu Aged 30 years, Occ. Agriculture R/o.Thavaklapur (V), Dindi (M) Nalgonda- 508258

**...Petitioner/Accused No.16**

**AND**

1. The State of Telangana, Through P.S., Dindi, Nalgonda District, Telangana State.

**...Respondent**

2. Mudavath Kishan, S/o. Hemla, Aged 42 years., Occ. Electricity Line Man Lineman of Thowklapur, R/o. Bramhanapally Village, Dindi Mandal, Nalgonda District

**...Defacto Complainant**

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to call for the records in Cr.No.85 of 2020 pending with Police Station Dindi, at Gundlapally Mandal, Nalgonda District against the Petitioner/ Accused No.16.

**I.A. NO: 1 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with filing of the certified copy of F.I.R.No.85 of 2020, dated 27/08/2020 on the file of the Police Station Dindi, Nalgonda District

**I.A. NO: 2 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of all proceedings against the Petitioner/Accused.No.16 in Crime and RCD.No.85 of 2020 on the file of Police Station Dindi, Nalgonda.

**CRIMINAL PETITION NO: 4877 of 2020**

**Between:**

Yelimineti Anandh, S/o. Jayaraju, Aged 26 years, Occ. Coolie, R/o.Thavaklapur (V), Dindi (M), Nalgonda- 508258.

**...Petitioner/Accused No.17**

**AND**

1. The State of Telangana, Through P.S., Dindi, Nalgonda District, Telangana State.

**...Respondent**

2. Mudavath Kishan, S/o. Hemla, Aged 42 years., Occ. Electricity Line Man Lineman of Thowklapur, R/o. Bramhanapally Village, Dindi Mandal, Nalgonda District

**...Defacto Complainant**

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to call for the records in Cr.No.85 of 2020 pending with Police Station Dindi, at Gundlapally Mandal, Nalgonda District against the Petitioner/ Accused No.17.

**I.A. NO: 1 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with filing of the certified copy of F.I.R.No.85 of 2020, dated 27/08/2020 on the file of the Police Station Dindi, Nalgonda.

**I.A. NO: 2 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of all proceedings against the Petitioner/Accused.No.17 in Crime and RCD.No.85 of 2020 on the file of Police Station Dindi, Nalgonda.

**CRIMINAL PETITION NO: 4878 of 2020**

**Between:**

Vankeshwaram Premaiah, S/o. Abraham, Aged 55 years, Occ. RTC Driver, R/o.Thavaklapur (V), Dindi (M), Nalgonda- 508258

**...Petitioner/Accused No.18**

**AND**

1. The State of Telangana, Through P.S., Dindi, Nalgonda District, Telangana State.

**...Respondent**

2. Mudavath Kishan, S/o. Hemla, Aged 42 years., Occ. Electricity Line Man Lineman of Thowklapur, R/o. Bramhanapally Village, Dindi Mandal, Nalgonda District

**...Defacto Complainant**

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to call for the records in Cr.No.85 of 2020 pending with Police Station Dindi, at Gundlapally Mandal, Nalgonda District against the Petitioner/ Accused No.18.

**I.A. NO: 1 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with filing of the certified copy of F.I.R.No.85 of 2020, dated 27/08/2020 on the file of the Police Station Dindi, Nalgonda.

**I.A. NO: 2 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of all proceedings against the Petitioner/Accused.No.18 in Crime and RCD.No.85 of 2020 on the file of Police Station Dindi, Nalgonda.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petitions and upon hearing the arguments of Sri R. Anurag, Advocate for the Petitioners and the Assistant Public Prosecutor on behalf of the Respondent No.1

**The Court made the following: ORDER**

**HONOURABLE SRI JUSTICE K. LAKSHMAN**

**CRIMINAL PETITION Nos.4918, 4898, 4892, 4891, 4929, 4890, 4877 and 4878 OF 2020**

**COMMON ORDER**:

Crl.P.Nos.4918, 4898, 4892, 4891, 4929, 4890, 4877 and 4878 of 2020 are filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.85 of 2020, pending on the file of Dindi Police Station, Nalgonda District against petitioners/ A-11, A-12, A-13, A-14, A-15, A-16, A-17 and A-18 respectively. The petitioners herein are Accused Nos.11 to 18 in the said crime. The offences alleged against the petitioners are under Sections 341, 353, 332 and 323 read with 34 IPC and 3 & 4 of Prevention of Damage to Public Property Act, 1984 (for short the 'PDPP Act').

2. Heard Sri R. Anurag, learned counsel for the petitioners as well as the learned Assistant Public Prosecutor. Perused the record.

3. Learned counsel for the petitioners would submit that the names of the petitioners are not there in the complaint dated 27.08.2020. He would further submit that the police have recorded the statement of the *de facto* complainant under Section 161 Cr.P.C., and in the said statement also the names of the petitioners are not there. Even then the police are trying to apprehend the petitioners. The contents of the complaint do not disclose the offences alleged

against the petitioners. He would further submit that due to the disputes with regard to power connection, the 2nd respondent has implicated the petitioners in a false case.

4. On the other hand, learned Public Prosecutor would submit that there are serious allegations against the petitioners. The 2nd respondent is a Lineman in Electricity Department and therefore, he might not aware of the names of the villagers including the petitioners. May be for the said reason, he has not mentioned the names of the petitioners, but however, he has mentioned that some people have attacked him. The matter is under investigation. There is every possibility of petitioners interfering with the investigation. With the said submissions, learned Public Prosecutor sought to dismiss the present applications.

5. On perusal of the complaint, dated 27.08.2020 lodged by the *de facto* complainant, it is specifically mentioned that some of the villagers collectively attacked the *de facto* complainant and assaulted him. The allegations are specific. Even in the statement under Section 161 Cr.P.C., the *de facto* complainant reiterated the said facts. In the remand report, dated 30.08.2020, the said facts are mentioned. There are many factual aspects in the complaint. Therefore, the said facts are the matters to be investigated by the police.

6. Considering the said aspects and also the fact that the punishment for the offences alleged against the petitioners is imprisonment for seven years and below seven years, all the Criminal Petitions are disposed of directing the Police, Dindi Police Station, Nalgonda District, to follow the procedure laid down under Section 41-A Cr.P.C., and also the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar and another**[1]. Till completion of investigation and filing of charge sheet, the Police are directed not to arrest the petitioners – Accused Nos.11 to 18 in the above said crime. It is made clear that if the police wants to invoke Section 41-A (4) of Cr.P.C., they are at liberty to do so.

As a sequel, miscellaneous petitions pending, if any, in the criminal petition, shall stand closed.

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[1] (2014)8 SCC 273

**SD/-K.SAILESHI**
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

To,

1. The Additional Judicial First Class Magistrate, at Devarakonda.
2. The Station House Officer, Dindi Police Station, Nalgonda District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. Eight CCs to Sri R. Anurag, Advocate [OPUC]
5. Two CD Copies

MMK

HIGH COURT

DATED:12/10/2020




COMMON ORDER

CRLP.No.4918, 4898, 4892, 4891, 4929, 4890, 4877, and 4878 of 2020

DISPOSING OF THE CRIMINAL PETITIONS

SLV
14 copies
Dt-22/10/2020