

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

**WEDNESDAY, THE TWENTY FIRST DAY OF OCTOBER  
TWO THOUSAND AND TWENTY**

**PRESENT**

**THE HON'BLE SRI JUSTICE K. LAKSHMAN**

**CRIMINAL PETITION NO: 5210 OF 2020**

**Between:**

Mirza Tahir Ali Baig, S/o Mirza Nasir Shamsheer Ali Baig, Aged. 40 yrs,  
Occ: Writer/Director/ Artist, R/o: Flat No.403, 8-2-703, Pentagon,  
Amrutha Valley, Banjara Hills, Road No.12, Hyderabad-500034.

**...Petitioner/Cccused**

**AND**

1. The State of Telangana, Represented by its Public Prosecutor High Court of Telangana through Raidurgam Police Station DD, Cyberabad.
2. Rohit Sethi, S/o Harjinder Singh Sethi, Aged. Major, Occ. Business, R/o Villa No.17, The Trails, Manikonda, Cyberabad.

**...Respondent/Complainant**

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 call for all the records in FIR No.518 of 2020, dated 11.09.2020 registered at Raidurgam Police Station, Cyberabad for the alleged offences under sections 406, 420 of IPC and quash the same.

**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 the complaint and FIR in Crime No. 518 of 2020 of P.S. Raidurgam, Cyberabad, until disposal of the Criminal Petition.

**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 grant stay all further proceedings in FIR No.518 of 2020, dated 11.09.2020 registered at Raidurgam Police Station, Cyberabad for the alleged offences under Sections 406, 420 of IPC Act including appearance and filing of charge-sheet, pending disposal of Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P. Shashi Kiran, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent No.1.

**The Court made the following: ORDER**

**THE HONOURABLE SRI JUSTICE K. LAKSHMAN**

**CRIMINAL PETITION No.5210 OF 2020**

**ORDER:**

This petition is filed under Section 482 of Cr.P.C., seeking to quash the proceedings in Crime No.518 of 2020 on the file of police, Raidurgam Police Station, Cyberabad. The petitioner is accused in the said crime. The offences alleged against the petitioner are under Sections 406 and 420 IPC.

2. Heard Sri P.Shashikiran, learned counsel for the petitioner, learned Assistant Public Prosecutor and perused the record.

3. Learned counsel for the petitioner would submit that the punishment for the offences leveled against the petitioner herein is 7 years or below 7 years and the Police have already invoked the procedure laid down under Section 41-A CrPC, by issuing a notice, dated 10.10.2020 and the petitioner has already submitted his reply dated 15.10.2020. Without considering the said reply, the Police are now trying to apprehend the petitioner herein.

4. On perusal of the complaint and also reply dated 15.10.2020, would reveal that there are disputes between the petitioner and the 2<sup>nd</sup> respondent with regard to the financial assistance to produce a film 'Toy Story'. The same are civil in nature.

5. Considering the said facts, and also the fact that the police have already invoked the procedure laid down under Section 41-A CrPC and the petitioner has also submitted his

reply, the Criminal Petition is disposed of directing the Police, Raidurgam Police Station, Cyberabad, to consider the reply dated 15.10.2020 submitted by the petitioner herein and strictly follow the procedure laid down under Section 41-A of Cr.P.C., and also the guidelines issued by the Apex Court in **Arnesh Kumar v. State of Bihar and another**<sup>1</sup>. The Police are also directed not to arrest the petitioner till the completion of investigation and filing of final report.

Miscellaneous petitions pending, if any, shall stand closed.

SD/- I. NAGA LAKSHMI  
ASSISTANT REGISTRAR

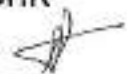
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SECTION OFFICER

To,

1. The XVI Additional Metropolitan Magistrate, Cyberabad at Rajendranagar.
2. The Station House Officer, Rayadurgam Police Station, Cyberabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Sri P. Shashi Kiran, Advocate [OPUC]
5. Two CD Copies

CHR



<sup>1</sup> (2014) 8 SCC 273

HIGH COURT

DATED:21/10/2020

ORDER

CRL.P.No.5210 of 2020



DISPOSING OF THE CRIMINAL PETITION

AM (7)  
5/11/2020