

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

THURSDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

**PRESENT
THE HONOURABLE SRI JUSTICE K.LAKSHMAN**

CRIMINAL PETITION NO: 5828 OF 2020

Between:

1. Arikeri Sreekanth, S/o A.Vijay Kumar,
2. C.Anitha, W/o. Gangadhara,
3. C.Gangadhara, S/o S.M.Pakirappa,
4. Arikeri Lakshmi, W/o A.Vijay Kumar,
5. Arikeri Vijay Kumar, S/o A.Neelappa,

...PETITIONERS/ ACCUSED NO.1 TO 5

AND

1. The State of Telangana, Rep., by its Public Prosecutor, High Court of Judicature of Telangana, Hyderabad
2. M.Anjali, D/o M.C.Hussainappa, W/o A.Srikanth,

...RESPONDENTS

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 the records in Crime No.1558 of 2020 on the file of Rajendranagar Police Station, Rajendranagar, Cyberabad District for the offences under Sections 498-A, 323, 506 R/w 34 of IPC and quash the same

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 all further proceedings in Crime No.1558 of 2020 on the file of Rajendranagar Police Station, Rajendranagar, Cyberabad District including arrest of the petitioners, pending disposal of the present Criminal Petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SANJEEV GILLELA, Advocate for the Petitioners and of the Assistant Public Prosecutor (TG/AP) on behalf of the Respondent No.1 and of the Respondent No.2 not appearing in person or by Advocate.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.5828 OF 2020

ORDER:

This application is filed under Section 482 Cr.P.C., to quash the proceedings in Crime No.1558 of 2020, pending on the file of Rajendranagar Police Station, Rajendranagar, Cyberabad district. The petitioners are Accused Nos.1 to 5 in the above said crime. The offences alleged against the petitioners are under Sections 498-A, 323, 506 r/w 34 IPC.

2. Heard the learned counsel for petitioners and the learned Assistant Public Prosecutor and perused the record.

3. The marriage between 1st petitioner/A1 and 2nd respondent-defacto complainant was performed on 27.4.2018 and thereafter disputes arose between them. First petitioner-husband got issued a legal notice on 8.6.2020 to the defacto complainant for restitution of conjugal rights. According to the learned counsel for petitioner, the 2nd respondent, on receipt of the said notice dated 8.6.2020, lodged the present complaint on 19.9.2020. The allegations in the complaint dated 19.9.2020 are general in nature. There are several other aspects to be investigated by the Investigating Officer.

4. On consideration of the above and also the fact that the punishment prescribed for the offences mentioned in the complaint is seven (7) years and below (7) years, this Criminal

Petition is disposed of, directing the Investigating Officer in Crime No.1558 of 2020, pending on the file of Rajendranagar Police Station, Cyberabad to follow the procedure 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 another¹**. Till completion of investigation and filing of final report, Police are directed not to arrest the petitioners herein. However, the petitioners shall cooperate with the Investigating Officer by receiving notice under Section 41-A of Cr.P.C. Miscellaneous petitions pending, if any, shall stand closed.

¹ (2014) 8 SCC 273

//TRUE COPY//

Sd/-B.SATYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The XIV Additional Metropolitan Magistrate, Cyberabad, at Rajendranagar.
 2. The Inspector of Police, Rajendranagar Police Station, Cyberabad.
 3. Two CCs to the Public Prosecutor (TG), High Court for the State of Telangana, Hyderabad (OUT)
 4. One CC to Sri Sanjeev Gillela, Advocate (OPUC)
 5. Two CD Copies
- Kj.

[Handwritten signature]

HIGH COURT

DATED:19/11/2020

ORDER

CRLP.No.5828 of 2020



DISPOSING OF CRL.P.

7
26/11/20
JWL