

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE T. VINOD KUMAR

CRIMINAL PETITION NO: 6306 OF 2020

Between:

1. Kakarla Padma Rao , S/o.Kakarla Sathyanarayana, Aged about 55 years, Occ. Railway Employee, R/o.H.No.156/3, Radagambala Basthi, Bellampally, Mancherla District.
2. Kakarla Lavanya, W/o.Kakarla Padmarao, Aged about 41 years, Occ. Housewife, R/o.H.No.156/3, Radagambala Basthi, Bellampally, Mancherla District.

...PETITIONER/ACCUSED No. 1 & 2

AND

1. The State of Telangana , represented by its Public Prosecutor High Court for the State of Telangana at Hyderabad. ... 1st Respondent/State
2. Meharunnisa, W/o.Late Mohammed Hussain, Aged about 65 years, R/o.Railway Colony, Radagambala Basthi, Bellampally, Mancherla District.

...2nd 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 the records relating to Crime No.186 of 2020 on the file of the Bellampalli II Town Police Station, Ramagundam and quash the proceedings in Crime No.186 of 2020.

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 including arrest of the petitioners in Crime No.186 of 2020 on the file of the Bellampalli II Town Police Station, Ramagundam, pending disposal of the criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri V. YADU KRISHNA SAINATH, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No 1.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

CRIMINAL PETITION No.6306 of 2020

ORDER:

The present criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in FIR No.186 of 2020 on the file of Bellampalli II Town Police Station, Ramagundam, registered for the offence under Section 420 IPC read with Section 34 IPC, wherein the petitioners herein are arrayed as A.1 and A.2.

2. The criminal petition is taken up for hearing today, i.e. 21.12.2020, through Video Conferencing.

3. Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for respondent No.1 – State.

4. After making initial submissions, learned counsel for the petitioners would submit that he is restricting the relief sought for in the present criminal petition to the respondent authorities issuing notice under Section 41-A Cr.P.C. to the petitioners herein and following the guidelines laid down by the Hon'ble Apex Court in ***ARNESH KUMAR V/s. STATE OF BIHAR¹***.

5. Learned Additional Public Prosecutor would submit that the respondent authorities would follow the procedure prescribed under Section 41-A Cr.P.C.

6. Having regard to the submissions made as above, since the offence which the petitioners are charged with being punishable with imprisonment of less than seven years, the respondent investigating agency is directed to follow the procedure under Section 41-A Cr.P.C., and

¹ [2014] 8 SCC 273

to strictly adhere to the guidelines laid down by the Hon'ble Supreme Court in **ARNESH KUMAR's** case (supra).

7. Subject to the above direction, the criminal petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

SD/- CH. VENKATESHWAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Bellampally.
2. The Station House Officer, Bellampalli II Town Police Station, Ramagundam District.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. V. YADU KRISHNA SAINATH, Advocate [OPUC]
5. Two CD Copies

CDL

HW

HIGH COURT

DATED:21/12/2020



ORDER

CRLP.No.6306 of 2020

DISPOSING THE CRIMINAL PETITION

7
31/12/20
HVT