

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 276 OF 2021

Between:

1. Pachipala Narasimha, S/o. Late Muthaiah, Age 50 years, Occ private services All are residents of Thungapadu Village, Nampally Mandal Nalgonda District
2. Pachipala Muthamma, W/o. Narasimha, Age 45 years occ private service Thungapadu Village, Nampally Mandal Nalgonda District
3. Pachipala Narender, S/o. Pachipala Narasimha, Age 23 years, Occ private service Thungapadu Village, Nampally Mandal Nalgonda District
4. Kundella Venkataiah, S/o. Late Mallaiah, Age 28 years, R/o. Chintapally Village and Mandal Nalgonda District.
5. Kundella Narmada, W/o. Venkataiah, Age 24 years, R/o. Chintapally (V) and Mandal, Nalgonda District.

...PETITIONER/ACCUSED No.1-5

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court for the State of Telangana, At Hyderabad ... Respondent/Complainant
2. Thirunagari Vakula, W/o. Madhusudanachary Age 49 years, R/o. H.No.1-2-78/1, Occ agriculture Nageswaranagar Colony, Kothapeta Saroornagar Mandal, Rangareddy District

...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 quash the FIR No.117/2020 dt.28/12/2020 on the file of Police Station, Nampally, Nalgonda District, registered under Section 420, 406, 120 B R/w 34 IPC in the interests of justice.

I.A. NO: 2 OF 2021

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 issue interim direction staying all further proceedings on the F.I.R. including to investigation not to arrest in pursuance to F.I.R.No.117/2020 Dt.28/12/2020 on the file of P.S. Nampally, Nalgonda District registered under Section 420, 406, 120 B R/w 34 1PC 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 P V RAMANA, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No 1.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.276 OF 2021

ORDER:

This petition is filed under Section 482 of Cr.P.C., seeking to quash the proceedings in Crime No.117 of 2020 on the file of Station House officer, Nampally Police Station, Nalgonda district. The petitioners are accused Nos.1 to 5 in the above said crime. The offences alleged against the petitioners are under Sections 420, 406 and 120-B read with 34 IPC.

2. Heard Sri P.V.Ramana, learned counsel for the petitioners, learned Assistant Public Prosecutor and perused the record.

3. On perusal of the material would reveal that the 1st petitioner has executed sale deed bearing document No.13360/2016 dated 23.11.2016 in favour of the 2nd respondent with regard to the land admeasuring Ac.2-00 in Sy.Nos. 294, 295/1 and 296/A/3 situated at Tungapati Gowraram Grampanchayat, Nampally Mandal, Nalgonda district. In the complaint dated 20.12.2020, the 2nd respondent has specifically mentioned that she has been cultivating the said land. Thus, the said facts would reveal that there are disputes between the 1st petitioner and the 2nd respondent with regard to the said land. In the complaint dated 20.12.2020, the 2nd respondent has alleged that the 1st

petitioner has sold the property and cheated her. The said disputes are civil in nature.

4. Considering the said facts, and also the fact that the punishment prescribed for the offences alleged against the petitioners is imprisonment of seven years or below seven years, the Criminal Petition is disposed of directing the Station House Officer/Investigating Officer, Nampally Police Station, Nalgonda District, to follow the procedure laid 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**. The Station House Officer/Investigating Officer, is directed not to arrest the petitioners till completion of investigation and filing of final report. The petitioners are directed to cooperate with the Investigating Officer in all respects.

Miscellaneous petitions pending, if any, shall stand closed.

SD/- N.CHANDRASEKHAR RAO
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Station House Officer, Nampally Police Station , Nalgonda District.
2. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
3. One CC to SRI P V RAMANA Advocate [OPUC]
4. Two CD Copies



¹ (2014) 8 SCC 273

HIGH COURT

KLJ

DATED:27/01/2021

ORDER

CRLP.No.276 of 2021



DISPOSING OF THE CRIMINAL PETITION

ATM
10/2/2021 (6)