

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

WEDNESDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 1710 OF 2021

Between:

Y.Krishna Rao, S/o. Chakradhara Rao, Aged about 47 years, Occ. Private Employee,
R/o. Flat No.302, Sri Satya Sai Avenue, HMT Nagar, Nacharam, Hyderabad.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Mecheri Sathish, S/o. Divakar, Aged about 46 years, Occ. Manager Sunandini Milk Products, R/o. Flat No.502, G.R. Palace, Chaitanya Nagar Khammam, Khammam 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 proceedings in Crime No. 73 of 2021 of Khammam Rural Police Station, Khammam District in the interest of Justice.

I.A. NO: 1 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 stay of all further proceedings including the arrest of the petitioner in Crime No. 73 of 2021 of Khammam Rural Police Station, Khammam District, pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri C. Damodar Reddy, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and None appeared for the Respondent No. 2

The Court made the following: ORDER

CRIMINAL PETITION NO.1710 OF 2021

ORDER:

1. This Criminal Petition Under Section 482 of Cr.P.C. is filed by the petitioner/Accused to quash the proceedings in Crime No.73 of 2021 of Khammam Rural Police Station, Khammam District, registered against him for the offences punishable under Sections 406, 420 and 506 IPC.

2. Heard learned counsel for the petitioner and the learned Public Prosecutor. Perused the record.

3. In the complaint dated 10.02.2021, the allegation against the petitioner herein is that, he was General Manager in Sunandini Milk Factory, Khammam, to which the 2nd respondent herein is the present Manager and he has appointed Agents and Marketing Executives to promote the business of the said company. The petitioner has misappropriated more than an amount of Rs.26 lakhs.

4. According to the learned counsel for petitioner, the petitioner herein has submitted his resignation to the post of General Manager of Sunandini Milk Factory, Khammam, on 30.04.2019 itself and he has joined in another company viz., V.T. Dairy at Miryalaguda, on 20.05.2019, which is again a firm of delivering milk products as that of the said Sunandini Milk Factory, Khammam. According to the learned counsel, the 2nd respondent bore grudge against the petitioner herein and implicated him in the present crime after a lapse of two years. Thus, there are several factual aspects to be enquired into by the Investigating Officer in the above crime. The appointment of Agents and Marketing

Executives is to promote business of the said firm and the same has nothing to do with the present crime.

5. Considering the said facts and also the fact that the punishment for the offences alleged against the petitioner herein is 7 years and below, this Criminal Petition is disposed of, directing the Investigating officer in Crime No.73 of 2021 pending on the file of Khammam (Rural) Police Station, to strictly follow the procedure laid down under Section 41(A) of Cr.P.C. and also the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar Vs.State of Bihar**¹. It is made clear that the petitioners shall cooperate with the Investigating Officer in concluding the investigation.

6. Miscellaneous Petitions pending, if any, in this Criminal Petition, shall stand closed.

¹ (2014) 8 SCC 273

//TRUE COPY//

SD/-M.MANJULA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Second Additional Judicial First Class Magistrate at Khammam.
2. The Station House Officer, Khammam (Rural) Police Station, Khammam Dist.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to Sri C. Damodar Reddy, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:10/03/2021



ORDER

CRLP.No.1710 of 2021

DISPOSING OF THE CRL.PETITION.

PPK
18/03

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