

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

CRIMINAL PETITION NO: 3852 OF 2021

Between:

Bestha Nagaraj, S/o. B.Venkateswarlu, Aged 45 years, Occ. Advocate, R/o. 2-112, One Town Police Station, Kumool Town- 518 001.

...Petitioner/Accused No.1

AND

1. The State of Telangana, represented by Public Prosecutor, High Court for the State of Telangana, at Hyderabad.
2. Sham Sunder Rao Bandan, S/o. B.Venkat Rao, Aged 56 years, Occ. II Additional JFCM, Narayanpet, R/o. Gajjellamma Street, Gadwal.

...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 of the Crime No.64 of 2021 dated 22.03.2021 from the Additional Judicial First Class Magistrate, Gadwal, and to Quash the same in the interest of justice as otherwise Petitioner will suffer irreparable damage and hardship which cannot be compensated in any made.

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 all further proceedings, not to arrest and also dispense with appearance in Crime No.64 of 2021 dated 22.03.2021 from the Additional Judicial First Class Magistrate, Gadwal, pending the above Quash Petition in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Shafath Ahmed Khan, Advocate for the Petitioner and the Assistant Public Prosecutor 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 HON'BLE SRI JUSTICE B. VIJAYSEN REDDY
CRIMINAL PETITION No.3852 of 2021

ORDER:

This criminal petition is filed to quash the proceedings in Cr.No.64 of 2021 on the file of the Gadwal Town Police Station, Jogulamba Gadwal District, registered against the petitioner/accused No.1 for the offences under Sections 324 and 448 read with Section 34 of the Indian Penal Code.

2. Heard the counsel for the petitioner and the learned Assistant Public Prosecutor appearing for the first respondent.

3. The counsel for the petitioner submits that no *prima facie* case is made out from the contents of the complaint; the averments in the complaint are vague and there is a delay in lodging the complaint, which clearly shows that it is an after thought.

4. However, this Court is not inclined to exercise its discretion as the criminal case is at the investigation stage. This Court opines that the case has to be investigated in order to arrive at the truth of the matter. Hence, it is not advisable to quash the proceedings at this stage.

5. In view of the above, the police are directed to duly comply with the procedure contemplated under Section 41-A of the Criminal Procedure Code and the guidelines in **ARNESH KUMAR v. STATE OF BIHAR**¹ during the course of investigation in Cr.No.64 of 2021.

Accordingly, the criminal petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

(2014) 8 SCC 273

//TRUE COPY//

Sd/-V.SUDHA
ASSISTANT REGISTRAR
Gp
SECTION OFFICER

To,

1. The Additional Judicial First Class Magistrate, at Gadwal.
 2. The Station House Officer, Gadwal Town Police Station, Jogulamba Gadwal District.
 3. Two CCs to the Assistant Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
 4. One CC to Sri Shafath Ahmed Khan, Advocate [OPUC]
 5. Two CD Copies
- MMK

HIGH COURT

DATED:30/04/2021

ORDER

CRLP.No.3852 of 2021



DISPOSING OF THE CRIMINAL PETITION.

PPS
21/05

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