

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

THURSDAY, THE THIRD DAY OF JUNE
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 4127 OF 2021

Between:

Ramavath Ravi, S/o. Gaangu, Aged about years, Occ. Police Constable, at
Jawaharnagar Police Station, Rachakonda Commissionerate.

...Petitioner/Accused

AND

1. The State of Telangana, Through Public Prosecutor, High Court for the State of Telangana, at Hyderabad.
2. Smt.Ramavath Swathi, W/o. Ramavath Balu, Aged about 25 years, Occ. Housewife, R/o. Gonya Thanda Village, Damarcherla Mandal, Nalgonda District.

...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 Quash the FIR No.389 of 2021 of Police Station Vanasthalipuram, Rachakonda Commissionerate under Section 354-D and 509 IPC as the same is untenable either on facts or under law.

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 stay all further proceedings pursuant to FIR No.389 of 2021 of Police Station Vanasthalipuram, Rachakonda Commissionerate under Section 354-D and 509 IPC including arrest of the Petitioner pending disposal of the main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mohammed Zubair Akram, Advocate for the Petitioner and the 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 HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.4127 OF 2021

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C., to quash the proceedings in Crime No.389 of 2021, pending on the file of Vanasthalipuram Police Station, Rachakonda Commissionerate. The petitioner herein is the sole accused in the above said crime. The offences alleged against him are under Sections 354-D and 509 of IPC.

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

3. The allegation against the petitioner is that he is relative of the husband of respondent No.2, and with the said acquaintance, he came to the house of respondent No.2 twice. Thereafter, he has taken the phone number of respondent No.2 and started disturbing her and tried to contact her by sending SMS/WhatsApp messages, due to which, disputes arose between respondent No.2 and her husband. Therefore, respondent No.2 is staying away from her husband along with her children.

4. Learned counsel for the petitioner, by referring to the punishment awarded by the Commissioner of Police, Rachakonda vide proceedings dated 25.09.2020, would submit that the Commissioner of Police, Rachakonda, vide said proceedings, has already awarded punishment of

postponement of petitioner's increment for a period of three years without effect on his future increments and pension. Even then, respondent No.2 has lodged the present complaint only to implicate the petitioner in a false case.

5. The above stated facts would reveal that the petitioner, a Constable, relative of the husband of respondent No.2, started sending SMS/WhatsApp messages to the phone number of respondent No.2 and tried to contact her, due to which, disputes arose between respondent No.2 and her husband. The punishment imposed by the Commissioner of Police, Rachakonda, by way of disciplinary proceedings, is nothing to do with the present crime and the allegations made therein. It is settled principle of law that criminal proceedings and disciplinary proceedings are different and distinct. Thus, there are several factual aspects to be considered by the Investigating Officer during the course of investigation.

6. Considering the said aspects, and also considering the fact that the offences alleged against the petitioner are bailable offences, this Criminal Petition is disposed of directing the Investigating Officer in Crime No.389 of 2021, pending on the file of Vanasthalipuram Police Station, Rachakonda Commissionerate, to follow the procedure laid down under Section 41-A of Cr.P.C., and also the guidelines issued by the Apex Court in **Arnesh Kumar v. State of**

Bihar¹. The petitioner shall cooperate with the Investigating Officer by furnishing the information and documents as sought by him in concluding the investigation. Miscellaneous petitions pending, if any, shall stand closed.

¹ (2014) 8 SCC 273

//TRUE COPY//

Sd/-K.SAILESHI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The XXIV Additional Metropolitan Magistrate, Cyberabad, at Hayatnagar, Ranga Reddy District.
2. The Station House Officer, Vanasthalipuram Police Station, Rachakonda Commissionerate.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Mohammed Zubair Akram, Advocate [OPUC]
5. Two CD Copies
MMK



HIGH COURT

DATED:03/06/2021

ORDER

CRLP.No.4127 of 2021



DISPOSING OF THE CRIMINAL PETITION

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RMA
09/6/2021