

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 4586 OF 2021

Between:

Harjit Singh, S/o. Guru Baksh Singh, Age- 75 Years, Occ- Business, Proprietor of
M/s. Bharat Automobiles, R/o. H.No. 15-5-58 and 59, Afzalgunj, Hyderabad

...PETITIONER/ACCUSED 2

AND

1. The State of Telangana, through S.H.O., P.S. Afzalgunj, Hyderabad, represented
by Public Prosecutor, High Court at Hyderabad **..RESPONDENT**
2. A. Balaji, Assistant Commissioner, Endowments Department, Boggulkunta,
Hyderabad

...RESPONDENT/DEFACTO-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 F.I.R.No.174 of 2021, Afzalgunj, Hyderabad as against the
petitioner/Accused No.2.

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 dispense with filing of the certified copy of F.I.R.No.174 of 2021, of P.S.
Afzalgunj, Hyderabad.

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 of all further proceedings including arrest of the petitioner/Accused No.2, in
quash the F.I.R.No.174 of 2021, Afzalgunj, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of
Grounds of Criminal Petition and upon hearing the arguments of Sri K.
Venumadhav, Advocate for the Petitioner and the Assistant Public Prosecutor on
behalf of the Respondent No1.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No. 4586 OF 2021

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed seeking to quash the proceedings in Cr.No.174 of 2021, pending on the file of SHO, Afzalgunj Police Station, Hyderabad. The petitioner herein is accused No.2 in the said crime. The offences alleged against him are under Sections 454, 427 of IPC and Section 3 of the Prevention of Damage to Public Property Act, 1984.

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

3. A perusal of the record would reveal that on the application filed by the Endowments Department i.e., 1st respondent herein, the Telangana Endowments Tribunal vide order dated 14.10.2019 in O.A.No.15 of 2017 directed M/s. Bharat Auto Mobiles represented by its Proprietor, the petitioner herein to vacate the subject property. Feeling aggrieved by the said order, M/s. Bharat Auto Mobiles has preferred Revision vide C.R.P.No.676 of 2021 and this Court vide order dated 23.04.2021 reserved the said Revision for orders. It is also made clear that the pending pronouncement of orders, there shall be interim stay as prayed for.

Thereafter, vide order dated 30.04.2021, this Court dismissed the said Civil Revision Petition. However, time was granted to the petitioner herein to vacate the premises in its occupation on or before 31.07.2021.

4. In the complaint dated 07.05.2021, the only allegation against the petitioner herein is that he broke opened the lock of the premises by removing the official seal.

5. As stated above there is an order passed by this Court in CRP.No.676 of 2021 granting time to the petitioner herein to vacate the premises in its occupation on or before 31.07.2021. The offences alleged against the petitioner herein are bailable offences. Thus, there are several factual aspects to be investigated into by the Investigating Officer.

6. In view of the above said aspects, this Criminal Petition is disposed of directing the Investigating Officer in Cr.No.174 of 2021, pending on the file of SHO, Afzalgunj Police Station, Hyderabad, to strictly follow the mandatory procedure contemplated under Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹. Till completion of investigation and filing of final report, the Investigating Officer is directed not to arrest the petitioner herein. However, the petitioner shall cooperate with the Investigating Officer by

¹ (2014) 8 SCC 273

furnishing information and documents as sought by him in concluding the investigation.

Miscellaneous Petitions, pending if any, shall stand closed.

SD/-B. SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional chief Metropolitan Magistrate, Hyderabad.
2. The Station House Officer, Afzalgunj Police Station, Hyderabad .
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri. K. Venumadhav, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

CDL
TP



HIGH COURT

DATED: 21/06/2021

ORDER

CRLP.No.4586 of 2021



DISPOSING OF THE CRIMINAL PETITION

ATM (8)
1/7/2021