

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

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 4918 OF 2021

Between:

Kota Mallesh, S/o. Kota Sammaiah, Aged 25 years, Occ. Coolie, R/o. H.No.8-3-240, Mallikarjuna Nagar, Godavarikhani, Ramagundam Mandal, Peddapalli District.

...Petitioners/Accused No.7

AND

1. The State of Telangana, represented by its Public Prosecutor, High Court, at Hyderabad, through The SHO, Police Station Sulthanabad, Peddapalli District.

...Respondent/Respondent

2. R. Ashok Kumar, S/o. Late Mallesham, Aged 34 years, Occ. Constable, Sulthanabad Police Station, Peddapalli 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 FIR No.240 of 2021, dated.19.06.2021 on the file of Police Station Sulthanabad.

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 grant stay of all further proceedings in FIR No.240 of 2021, dated.19.06.2021 on the file of Police Station Sulthanabad 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 K. Jagadishwar Reddy, 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.4918 OF 2021

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C., to quash the proceedings in Crime No.240 of 2021, pending on the file of Sulthanabad Police Station, Peddapalli District. The petitioner herein is accused No.7 in the above said crime. The offences alleged against him are under Section 353 read with 34 of IPC.

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

3. As per the complaint dated 19.06.2021, the petitioner along with 7 others, consumed liquor in open place, and when the Assistant Sub-Inspector of Police tried to caught hold, the petitioners and others have pushed him forcefully and escaped from there.

4. Learned counsel for the petitioner would submit that though the petitioner was not present at the crime place, the Police have implicated him. The name of the petitioner is also not there in the complaint dated 19.06.2021. He would further submit that the Police have already arrested accused Nos.1 to 5 and the petitioner is accused No.7.

5. Thus, there are several factual aspects to be investigated into by the Investigating Officer during the

course of investigation. The punishment prescribed for the offence alleged against the petitioner is two years.

6. Considering the said aspects, this Criminal Petition is disposed of directing the Investigating Officer in Crime No.240 of 2021, pending on the file of Sulthanabad Police Station, Peddapalli District, 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 Bihar**¹. 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.

SD/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

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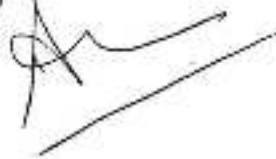
SECTION OFFICER

To,

1. The Judicial First Class Magistrate, at Sulthanabad.
2. The Station House Officer, Sulthanabad Police Station Peddapalli District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri K. Jagadishwar Reddy, Advocate [OPUC]
5. Two CD Copies
6. **One spare copy**

MMK

sab



¹ (2014) 8 SCC 273

HIGH COURT

DATED:05/07/2021

ORDER

CRLP.No.4918 of 2021



DISPOSING OF THE CRIMINAL PETITION

8
K. R. M. A.
10/07/2021.