

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

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

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 5951 OF 2021

Between:

V. Ramesh, S/o Late V. Kumaraswamy, Age: 63 Years, Occ: Retd. GM,
R/o. H.No.12-7-276 to 285, Mettuguda, Secunderabad-500017.

...PETITIONER/ACCUSED No.1

AND

1. State of Telangana, Rep. by its Public Prosecutor, High Court of Judicature,
Hyderabad through PS, Chilakalaguda.
2. T. Srikanth Reddy, S/o. T. Shyam Sundar Reddy, Age. 45 Years, Occ. Transport
Business, R/o. H.No. 1-3-151/B, Rajendra Nagar, Mahabubnagar District.

...RESPONDENTS/DEFACTO COMPLAINANTS

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 all the proceedings in Crime No.391 of 2021 on the file of PS Chilakalguda, Hyderabad U/s.447, 506 of IPC R/W Section 34 IPC.

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 in Crime No.391 of 2021 on the file of PS Chilakalguda, Hyderabad U/s.447, 506 of IPC R/W Section 34 IPC including the arrest of petitioner/accused No.1.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Padala Pravin Kumar, Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.5951 OF 2021

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C., to quash the proceedings in Crime No.391 of 2021, pending on the file of Chilkalguda Police Station, Hyderabad. The petitioner herein is accused No.1 in the above said crime. The offences alleged against him are under Sections 447 and 506 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 18.07.2021, the allegations against the petitioner are that he and accused No.2 claiming themselves as Raviraju's relatives, locked the gate o the property, and on 18.07.2021 when respondent No.2 was supervising the civil work at the site, the petitioner and accused No.2 reached the site and obstructed the civil work and warned respondent No.2 with dire consequences.

4. Referring to copy of the plaint in O.S.No.8 of 2020 on the file of XXVII Additional Chief Judge, City Civil Court, Secunderabad, Sri Padala Pravin Kumar, learned counsel for the petitioner, would submit that the petitioner and two others have filed the said suit against respondent No.2 and others for declaration and perpetual injunction in respect of

the suit schedule property therein which is also subject property in the complaint. The Court below also granted injunction order restraining respondent No.2 and other defendants in the said suit from interfering with the peaceful possession and enjoyment of the plaintiffs over the suit schedule property.

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

6. Therefore, this Criminal Petition is disposed of directing the Investigating Officer in Crime No.391 of 2021, pending on the file of Chilkalguda Police Station, Hyderabad, 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 Investigating Officer is further directed not to arrest the petitioner herein till completion of investigation and filing of final report. 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/-B.SATYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The X Additional Chief Metropolitan Magistrate, Hyderabad.
 2. The Station House Officer, Chilkalguda Police Station, Hyderabad.
 3. One CC to Sri Padala Pravin Kumar, Advocate [OPUC]
 4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
 5. Two CD Copies
 6. One Spare Copy
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HIGH COURT

DATED: 30/07/2021



ORDER

CRLP.No.5951 of 2021

DISPOSING OF THE CRIMINAL PETITION

(8) VW
13/8/21