

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

**WEDNESDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION NO: 7300 OF 2020

Between:

Udiga Rajaiah, S/o Udiga Mallaiah, Aged. 33 years, Occ. Business, R/o H. No. 1-37-397, Anna Nagar, Baiamrai, Secunderabad.

...Petitioner/Accused

AND

1. The State of Telangana, represented by Public Prosecutor, High Court, at Hyderabad.

...Respondent/Complainant

2. Prakash Babu K, S/o. Shankaraiah, Aged about 60 years, Occ. Business, R/o. H. No.1-14-49, Alwal, Lothkunta, Cyberabad, Telangana.

...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 proceedings in Crime No.533 and 2020 of Police Station Alwal, Cyberabad.

I.A. NO: 2 OF 2020

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 direct the SHO Police Station Alwal, Cyberabad to follow Section 41(A) Cr.P.C in Crime No.533 of 2020.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M. V. Raj Kumar Gabriel, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.7300 OF 2020

ORDER:

This application is filed under Section 482 Cr.P.C., to quash the proceedings in Crime No.533 of 2020, pending on the file of Alwal Police Station, Cyberabad Commissionerate. The petitioner herein is the sole accused in the above said crime. The offences alleged against the petitioner are under Sections 447 and 427 of IPC.

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

3. A perusal of the complaint dated 10.10.2020 would reveal that there are disputes between the petitioner and respondent No.2 with regard to house property i.e., H.No.1-30-828/2/1, situated at Shiva Nagar, Alwal. The said disputes are civil in nature. The petitioner herein has filed a suit vide O.S.No.1355 of 2017 against one L.Janardhan and another and the same was decreed by the 1 Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar vide judgment dated 21.08.2019. The petitioner also filed E.P.No.201 of 2020 seeking execution of the said judgment and decree in O.S.No.1355 of 2017. The said facts would reveal that there are civil disputes between the petitioner and respondent No.2.

4. Considering the said facts and also the fact that the offences alleged against the petitioner are bailable, the Criminal Petition is disposed of directing the Investigating Officer in Crime No.533 of 2020 of Alwal Police Station, Cyberabad Commissionerate, to follow the procedure laid under Section 41-A of Cr.P.C., and also the guidelines issued by the Apex Court in **Arnesh Kumar v. State of Bihar and another¹**. The Investigating Officer is further directed not to arrest the petitioner till completion of investigation and filing of final sheet. 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 XXIII Metropolitan Magistrate, at Medchal Court, Cyberabad, Medchal District.
2. The Station House Officer, Alwal Police Station, Cyberabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri M. V. Raj Kumar Gabriel, Advocate [OPUC]
5. Two CD Copies

MMK

HIGH COURT

KLJ

DATED:27/01/2021



ORDER

CRLP.No.7300 of 2020

DISPOSING OF THE CRIMINAL PETITION

ATM (7)
5/2/2021