

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

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO: 7971 OF 2021

Between:

P. Reddi Sekhar Reddy, S/o. P. Reddeppa Reddy, Aged about 47 years,
Occ.Business, R/o. Flat No. 2503, LH-2, Lanco Hills, Manikonda, Hyderabad-
500089.

...Petitioner/Accused No.2

AND

1. The State of Telangana, Through PS ., Narsingi Police Station, represented by
Public Prosecutor Telangana.

...Respondent

2. Jitender Kumar Kedia, S/o. Gulzarilal Kedia, Aged about 51 years, R/o. House
No. 6-3-674/4, Flat No. 402, Shaheen Apartment, Cyberabad, Telangana.

...Defacto Complainant/Respondent

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 quash the Crime in FIR No. 1239 of 2021 dated 11/10/2021 registered by Narsingi Police Station, U/s. 447, 506 and 504 IPC pending on the file of the Court of the XVI Additional Metropolitan Magistrate, at Rajendra Nagar against the Petitioner.

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 FIR No. 1239 of 2021 dated 11/10/2021 registered by Narsingi Police Station, U/s. 447, 506 and 504 IPC pending on the file of the Court of the XVI Additional Metropolitan Magistrate, at Rajendra Nagar.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Kishore Rai, Advocate for the Petitioner and the Assistant 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 HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.7971 OF 2021

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/A2 seeking to quash the proceedings against him in Crime No.1239 of 2021 of Narsingi Police Station, Cyberabad, registered for the offences punishable under Sections 447, 506 and 504 I.P.C.

2. Heard the learned counsel for the petitioner/A2, the learned Assistant Public Prosecutor representing the respondent No.1/State and perused the record.

3. Having submitted for a considerable time, learned counsel for the petitioner/A2 submits that the other accused were already issued notices under Section 41A of Cr.P.C. and the petitioner/A2 is similarly placed to that of other accused. He made a request to this Court to direct the investigating agency to issue notice under Section 41A of Cr.P.C. to the petitioner/A2 and to follow the guidelines prescribed by the Honourable Apex Court in **Arnesh Kumar v. State of Bihar and another**¹, on the ground that the maximum sentence of imprisonment prescribed for the alleged offences is below seven (7) years.

4. The learned Assistant Public Prosecutor representing the respondent No.1/State conceded the request of the learned counsel for the petitioner/A2.

¹ AIR 2014 SC 2756

5. Since the allegations made in the subject crime constitute the offences alleged, it is not appropriate to quash the proceedings in the subject crime against the petitioner/A2. However, in view of the request made on behalf of the petitioner/A2, the Station House Officer, Narsingi Police Station, Cyberabad, is directed to issue notice under Section 41A of Cr.P.C. to the petitioner/A2, to follow the procedure laid down thereunder before arresting the petitioner/A2 and strictly adhere to the guidelines formulated by the Honourable Apex Court in **Arnesh Kumar's** case (supra).

6. With the above observations and directions, the Criminal Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The XVI Additional Metropolitan Magistrate, at Rajendranagar.
2. The Station House Officer, Narsingi Police Station, Cyberabad District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Kishore Rai, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

MMK
gbr

HIGH COURT

DATED: 08/11/2021

ORDER

CRLP.No.7971 of 2021



DISPOSING OF THE CRIMINAL PETITION

ATM
22/11/2021 (8)