

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 2630 OF 2022

Between:

1. Aruna Lakavath, W/o. Ramchandru, Age- 38 years, Occ- House Wife, R/o. H.No. 8-18, Pedda Tanda, Gandhichowk, Khammam Rural Mandal, Khammam District, Telangana State.
2. Ramchandru Lakavath, S/o. Dal Singh, Age-41 years, Occ- Business, R/o. H.No. 8-18, Pedda Tanda, Gandhichowk, Khammam Rural Mandal, Khammam District, Telangana State.

...PETITIONER/ACCUSED(S)

AND

1. Upendram Deverasetti, S/o. Muthaiah, Age 59 years, Occ- Rtd. Employee, R/o. H.No. 20-7-100/1, Sriramnagar Road No.13, Khammam, Khammam Mandal, Khammam District, Telangana State.
2. The State of Telangana, Rep. by its Public Prosecutor, High court, At Hyderabad.

...RESPONDENT/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 be pleased to quash the proceedings against the Petitioner in Crime No.38 of 2022 of Kusumanchi Police Station, Khammam District, Telangana State.

I.A. NO: 1 OF 2022

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 certified copy of FIR in Crime No.38 of 2022 of Kusumanchi Police Station, Khammam District, Telangana State.

I.A. NO: 2 OF 2022

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 including arrest of the Petitioner in Crime No.38 of 2022 of Kusumanchi Police Station, Khammam District, Telangana State, Pending disposal of the quash petition before this Honble Court.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Dr CHALLA SRINIVASA REDDY, Advocate for the Petitioner and the Public Prosecutor (TG/AP) on behalf of the Respondent No.2 and None appeared for the Respondent No. 1

The Court made the following: ORDER

1

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.2630 OF 2022

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., seeking to call for the records and quash the proceedings in Cr.No.38 of 2022 of Kusumanchi Police Station, Khammam District. The petitioners herein are accused Nos.1 and 2 in the said crime. The offences alleged against the petitioners herein are under Sections 417, 420 and 506 of IPC.

2. Heard Dr.Challa Srinivas Reddy, learned counsel for the petitioners, and Sri Khaja Vizarith Ali, learned Asst. Public Prosecutor for 2nd respondent – State. Perused the record.

3. In the complaint dated 12.03.2022, the allegations against the petitioners herein are that they have sold 23 guntas of Government land. In compliance of the order dated 23.03.2022, the learned counsel for the petitioners filed a copy of the agreement and also the sale deed bearing document No.5987 of 2019, dated 07.08.2019 executed by the 1st petitioner in favour of Narra Sujatha and others.

4. Learned counsel for the petitioners would submit that the petitioners herein never sold any government land and have agreed to sell their lands. The said facts are specifically mentioned in the agreement of sale. Thus, there are several factual aspects to be

investigated into by the Investigating Officer during the course of investigation.

5. Considering the punishment prescribed for the offences alleged, the Investigating Officer has already invoked the procedure laid down under Section 41-A of Cr.P.C. by way of serving a notice, but the petitioners herein have not submitted any explanation.

6. In view of the said discussion, the Criminal Petition is disposed of granting liberty to the petitioners herein to submit explanation to the notices issued by the Investigating Officer under Section 41-A of Cr.P.C. and also the documents in support of their contention, within one week from today. The Investigating Officer is further directed to consider the said explanation and also the documents submitted by the petitioners herein. The Petitioners shall cooperate with the Investigating Officer by furnishing information/documents as sought by him in concluding the investigation. The Investigating Officer is also further directed to follow the guidelines issued by the Apex Court in **Arnesh Kumar v. State of Bihar**¹.

7. As a sequel, the miscellaneous Petitions, pending if any, shall stand closed.

Sd/- K. AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. -The Judicial Magistrate of First Class (Spl. Mobile Court), Khammam.
2. The State House Office, Kusumanchi Police Station, Khammam District
3. Two CCs to the Public Prosecutors, High Court for the State of Telangana, Hyderabad [OUT]
4. One CC to SRI. Dr CHALLA SRINIVASA REDDY Advocate [OPUC]
5. Two CD Copies

HIGH COURT

DATED:11/04/2022



ORDER

CRLP.No.2630 of 2022

DISPOSING OF THE CRL.PETITION

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HMA
15/6/2022