

HIGH COURT FOR THE STATE OF TELANGANA

**FRIDAY ,THE FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

**PRESENT
THE HONOURABLE SRI JUSTICE K.LAKSHMAN**

CRIMINAL PETITION NO: 3042 OF 2022

Between:

Smt. Rao Santoshini @ Pailla Santoshini, W/o P.Sridhar Reddy, Aged about 34 years, Occ. Pvt. Employee, R/o. H.no. 3-1/180 and 181, Dr. Reddys Enclave, Miyapur, Serilingampally, Ranga Reddy Dist

...PETITIONER/ACCUSED No.3.

AND

1. State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad, through P.S. Nizamabad IV TN ,Nizamabad District.
2. B. Bal Naik, S/o.Vasaram Niak , Age 58 years, Occ. Executive Engineer Employed at Telangana Housing Board, Nizamabad Division, Nizamabad District, Telangana

...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 the Proceedings in FIR.No. 266 OF 2021 dated 22-10-2021 on the file of 1st Respondent P.S. Nizamabad IV TN, Nizamabad District, State of Telangana, for the offences punishable under Sections 420 of the Indian Penal Code, 1860. against the Petitioners.

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 grant stay of all further proceedings in FIR.No. 266 OF 2021 dated 22-10-2021 on the file of 1st Respondent P.S. Nizamabad IV TN, Nizamabad District, State of Telangana, for the offences punishable under Sections 420 of the Indian Penal Code, 1860 including arrest of the Petitioner pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Bandar Manav 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.3042 of 2022

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., to quash the proceedings in Crime No.266 of 2021 of Nizamabad IV Town Police Station, Warangal district, registered for the offences under Section 420 of IPC. The petitioner herein is accused No.3 in the said Crime.

2. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the Record. With their consent this Criminal Petition is disposed of, at the admission stage.

3. According to learned counsel, the petitioner herein is bonafide purchaser of the subject property and she has already sold the said property to A-4. A-4 had already filed an application under Section 482 of Cr.P.C., vide Criminal Petition No.9833 of 2021 to quash the proceedings in

Crime No.266 of 2021 and this Court vide order dated 22-12-2021 directed the Investigating Officer to strictly follow the procedure prescribed in Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar's** case and liberty is also granted to A-4 to submit explanation to the notice under Section 41-A of Cr.P.C., and to file documents including the sale deed etc., and this Court directed the Investigating Officer to consider the said aspects during the course of investigation.

4. To maintain parity, the petitioner herein is also entitled for the said relief since she is also standing on the very same footing.

5. In view of the same, this Criminal Petition is disposed of, directing the Investigating Officer in Crime No.266 of 2021 of Nizamabad IV Town Police Station, to strictly follow the procedure prescribed in Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Apex Court in

Arnesh Kumar v. State of Bihar¹. Liberty is granted to the petitioner to submit explanation to the said notice issued under Section 41-A of Cr.P.C., and submit relevant documents including the sale deed etc. She is also liberty to raise all the contentions and grounds, which are raised in the present Criminal Petition including the procedure prescribed under Section 52 (B) of Telangana Housing Board Act. The Investigating Officer is directed to consider the said contentions. However, it is made clear that the petitioner shall cooperate with the Investigating Officer by furnishing information and documents, if any, as sought by him in concluding the investigation.

6. At this stage, learned counsel for the petitioner would submit that the Investigating Officer is harassing the petitioner herein under the guise of investigation. Therefore, the Investigating Officer is further directed not

¹ (2014) 8 SCC 273

to harass the petitioner herein / A-3 only under the guise of investigation.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The I Additional Judicial First Class Magistrate, Nizamabad.
2. The Station House Officer, Nizamabad Police Station IV Town, Nizamabad District.
3. One CC to Sri Bandar Manav Kumar, Advocate [OPUC]
4. Two CCs to the Public Prosecutor (TG), High Court for the State of Telangana, Hyderabad [OUT]
5. Two CD Copies
6. One Spare Copy

CHG



HIGH COURT

DATED:01/04/2022



ORDER

CRLP.No.3042 of 2022

DISPOSING OF THE CRIMINAL PETITION

⑧ Copies
Sm
13/6/22