

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

**WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 5361 OF 2022

Between:

1. Batch Satish, S/o. Batch Jagadish @ Jagadish, Aged about 42 years, Occ.Business, R/o. H. No. 1-3-180/B/2, Venkateswar Colony, Medak District.
2. Kasireddy Shaik Reddy, S/o. Narayan Reddy, Aged about 55 years, Occ. Private Service, R/o. Thogita Village, Ghanpur Mandal, Medak District.

...Petitioners/Accused 5 and 4

AND

1. The State of Telangana, represented by its Public Prosecutor, High Court for the State of Telangana, High Court Buildings, Hyderabad.

...Respondent No.1

2. Kovvuri Srinivas, S/o. Pentaiah, Aged, Major, Occ. Manager, M/s. Gayatri Rice Mills, Thogita Village, Ghanpur Mandal, Medak District.

...Defacto Complainant/Respondent No.2

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 FIR No. 110 of 2022 dated 03-06-2022 on the file of Police Station Haveli Ghanpur, against the Petitioners/Accused 5 and 4.

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 the investigation of the crime registered against the Petitioners in FIR No. 110 of 2022 dated 03-06-

2022, on the file of Police Station Haveli, Ghanpur, Medak District, 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 M/s Vijay B Paropakari, Advocate for the Petitioners 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 CHILLAKUR SUMALATHA

CRIMINAL PETITION No.5361 of 2022

ORDER:

This Criminal Petition under Section 482 Cr.P.C. is filed seeking the Court to quash the proceedings in Crime No.110 of 2022 of Haveli Ghanpur Police Station, Medak District.

2. Heard the submission of learned counsel for the petitioners/ Accused Nos.4 and 5 as well as the learned Assistant Public Prosecutor appearing for respondent No.1 - State.

3. In the light of the limited request made by learned counsel for the petitioners, issuance of notice to respondent No.2/defacto complainant is felt not necessary.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence whatsoever and their names were not figured in the FIR. However, basing on the alleged confessional statements given by Accused Nos.1 and 2, they were figured as Accused Nos.4 and 5 in the Remand Report. Learned counsel also states that even the allegations that are levelled against the petitioners, as per the contents of the said Remand

Report, are not grave in nature and, therefore, protection from arbitrary arrest of the petitioners by the police may be granted.

5. The learned Assistant Public Prosecutor submits that a direction for issuance of notice under Section 41-A Cr.P.C. may be issued with a rider that the petitioners would cooperate with the investigation.

6. Having regard to the said submission, this Criminal Petition is disposed of with the following directions:

- (1) The Station House Officer, Haveli Ghanpur Police Station/Investigating Officer shall issue notice under Section 41-A Cr.P.C. before proceeding with the case.
- (2) The Station House Officer, Haveli Ghanpur Police Station/Investigating Officer is directed to follow the guidelines issued by the Hon'ble Apex Court in ARNESH KUMAR vs. STATE OF BIHAR – (2014) 8 SCC 273.
- (3) The Station House Officer, Haveli Ghanpur Police Station/Investigating Officer shall not insist for personal appearance of the petitioners/Accused Nos.4 and 5 during the course of investigation in Crime No.110 of 2022 of Haveli Ghanpur Police Station, Medak District, unless their presence is required. In case such presence is required, notice has to be given in writing indicating the reason for which the presence of the petitioners/ Accused Nos.4 and 5

is sought for. However, it is made clear that investigation may go on.

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

//TRUE COPY//

SD/-T.SRINIVAS
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Judicial First Class Magistrate Court, at Medak.
 2. The Station House Officer, Haveli Ghanpur Police Station, Medak District.
 3. Two CCs to the Assistant Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
 4. One CC to M/s Vijay B Paropakari, Advocate [OPUC]
 5. Two CD Copies
 6. One Spare Copy
- MMK
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HIGH COURT

DATED:13/07/2022



ORDER

CRLP.No.5361 of 2022

DISPOSING OF THE CRIMINAL PETITION

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Chaitanya
16/07/2022