

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 5685 OF 2022

Between:

Jangaram Murthy, S/o. Janga Papaiah, Aged about. 52 years, Occ. Business,
R/o. H.No. 610/299, Gulmohar Park, Serilingampally, Ranga Reddy District, T.S.

...PETITIONER/ACCUSED

AND

1. The State of Telangana Represented by Public Prosecutor, Telangana High Court, Hyderabad.
2. Kumari Sridevi Reddy, W/o. Unknown, Age 50 years, Occ. Secretary PWW Community, R/o. Villa No. 18, Praneeth West Wood Association, Gopanpally Village, Serilingampally, R.R. District.

...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 the FIR No.663/2022 dated. 19/06/2022 on the file of P.S. Gachibowli offences under Sec. 448, 427 and 506 of IPC against the petitioner/accused by calling the entire records from the office the respondent No.1 herein

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 arrest in the entire proceeding of FIR including the investigation of petitioner/accused in FIR No.663/2022 dated. 19/06/2022 on the file of P.S. Gachibowli offences under Sec. 448, 427 and 506 of IPC, against the petitioner herein, 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 SURESH SHIV SAGAR, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent No.1 and none for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No. 5685 OF 2022

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed seeking to quash the proceedings in Cr.No.663 of 2022, pending on the file of Gachibowli Police Station, Cyberabad. The petitioner herein is the sole accused in the said crime. The offences alleged against him are under Sections 448 and 427 of IPC.

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

3. Perusal of the record would reveal that the petitioner herein is also claiming right over plot No.17 admeasuring 300 sq.yards in Sy.No.124/kha situated at Gopanpally Village, Serilingampally Mandal, GHMC, Ranga Reddy District under a registered sale deed bearing document No.7525 of 2019 dated 12.07.2019. Now, the allegation against the petitioner herein in the complaint

dated 19.06.2022 is that a group of unauthorized persons entered into PWW community and started using JCB machinery to break the outer wall. Referring to the said sale deed, learned counsel for the petitioner would submit that there is no mention about the existence of the community hall. However, this is a factual aspect to be investigation into by the Investigating Officer during the course of investigation. Investigating Officer has already invoked the procedure laid down under Section 41-A Cr.P.C by way of serving notice dated 20.06.2022. The petitioner herein had not submitted his explanation to the said notice.

4. Considering the above said aspects, this Criminal Petition is disposed of directing the Investigating Officer in Cr.No.663 of 2022, pending on the file of Gachibowli Police Station, Cyberabad, to strictly follow the mandatory procedure contemplated under Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹. Till

¹ (2014) 8 SCC 273

completion of investigation and filing of final report, the Investigating Officer is further directed not to arrest the petitioner herein. However, it is made clear that the petitioner shall cooperate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

Miscellaneous Petitions, pending if any, shall stand closed.

//TRUE COPY//

SD/-I.NAGALAKSHMI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The X Additional Metropolitan Magistrate Prashanthi Nagar, Kukatpally Police Station Cyberabad
2. he Station House Officer, Gachibowli Police Station Gachibowli, Cyberabad
3. Two CCs to Public Prosecutor High Court of Judicature at Hyderabad (OUT)
4. One CC to SRI. SURESH SHIV SAGAR Advocate [OPUC]
5. Two CD Copies

SW

HIGH COURT

DATED:30/06/2022

ORDER

CRLP.No.5685 of 2022



DISPOSING OF THE CRIMINAL PETITION

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MA
2/7/22