

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

**MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 6297 OF 2022

Between:

Vasudevulu @ Ravirala Vasudev, S/o. Kondaiah Aged about 67 years, Occ.
rtd Employee, R/o. H.No. 5-11-17, Shanthi nagar, Nalgonda Town and
District, Telangana

...PETITIONER/ACCUSED

AND

1. The State of Telangana and another, Rep. by its Public Prosecutor High Court of Telangana at Hyderabad.
2. Bojja Saidulu, S/o. Bixam, aged about 40 years, Occ. Agriculture, R/o. Aregudem Village of Gurrapode Mandal, Nalgonda Dist, Telangana.

...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 quash the F.I.R. in Cr.No. 43 of 2022 on the file of the Gurampode Police Station, Nalgonda District.

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 stay all further proceedings in F.I.R. in Cr.No. 43 of 2022 on the file of the Gurampode Police Station, Nalgonda 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 Sri P VISHNUVARDHANA REDDY ,Advocate for the Petitioner and the Public

Prosecutor (TG/AP) on behalf of the Respondent No. 1 and none appeared for the Respondent No. 2.

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.6297 of 2022

ORDER:

This Criminal Petition under Section 482 Cr.P.C. is filed seeking the Court to quash the proceedings in Crime No.43 of 2022 of Gurampode Police Station, Nalgonda District.

2. Heard the submission of learned counsel for the petitioner/Accused as well as the learned Assistant Public Prosecutor appearing for respondent No.1 – State. Having regard to the limited request made by learned counsel for the petitioner/Accused, issuance of notice to respondent No.2/defacto complainant is felt not necessary.

3. Learned counsel for the petitioner submits that the petitioner has not committed any offences whatsoever and, indeed, respondent No.2/defacto complainant filed a suit in O.S.No.165 of 2018 and the same is pending on the file of the Court of Senior Civil Judge, Nalgonda. Learned counsel also states that in the said suit, respondent No.2 moved an application vide I.A.No.196 of 2018 for grant of temporary injunction and the said application stood dismissed vide order dated 16.07.2018. Learned counsel for the petitioner further submits that the

defendants to the said suit, of which the petitioner/Accused is one among them, moved an application vide I.A.No.659 of 2018 for appointment of an Advocate-Commissioner for physical inspection of the property in question and to submit report and the said application was allowed vide order dated 04.12.2018 and Advocate-Commissioner was appointed. Learned counsel brought to the notice of this Court the report that is filed by the Advocate-Commissioner, wherein it is mentioned that at the time of survey, respondent i.e. respondent No.2/defacto complainant herein has stopped the Advocate-Commissioner from executing the warrant and failed to cooperate with the Commissioner.

4. Bringing to the notice of this Court the afore-said facts, learned counsel for the petitioner submits that the complaint given by respondent No.2/defacto complainant is unjustifiable. However, learned counsel states that no further orders are required, except providing protection from arbitrary arrest of the petitioner by the police and to direct the police to consider the documents that would be submitted by the petitioner/Accused during the course of investigation.

5. The learned Assistant Public Prosecutor did not raise any objection for granting such relief.

6. Thus, having regard to the facts and circumstances of the case, this Court considers it desirable to dispose of this Criminal Petition with the following directions:

- (1) The Station House Officer, Gurampode Police Station, Nalgonda District, shall not effect arrest of the petitioner/Accused without following the procedure established by law.
- (2) The Station House Officer, Gurampode Police Station/ Investigating Officer shall adhere to the requirement to follow Section 41-A Cr.P.C. except under the circumstances mentioned under Section 41(1) Cr.P.C. and Section 41-A (4) Cr.P.C.
- (3) The guidelines issued by the Hon'ble Apex Court in ARNESH KUMAR Vs. STATE OF BIHAR - (2014) 8 SCC 273 shall be followed.
- (4) The Station House Officer/Investigating Officer shall not insist upon personal appearance of the petitioner/Accused during the course of investigation, except where his personal appearance is required.

- (5) In case the personal appearance of the petitioner/Accused is required, the same shall be communicated to him in writing indicating the reasons for which his personal appearance is sought.
- (6) The Station House Officer, Gurampode Police Station/ Investigating Officer is further directed to receive the documents that would be filed by the petitioner/Accused, entertain the same and then come to a conclusion with regard to continuation of the proceedings against the petitioner/Accused.
- (7) However, it is made clear that the Investigation may go on.
- (8) That the petitioner/Accused shall cooperate with the police during the process of investigation.
7. With the above directions, this Criminal Petition is disposed of.
8. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

SD/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate, at Devarakonda.
2. The Station House Officer, Gunampode Police Station, Nalgonda District.
3. Two CC to Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI P. VISHNUVARDHANA REDDY Advocate [OPUC]
5. Two CD Copies.
6. One Spare Copy.

HIGH COURT

DATED:18/07/2022



ORDER

CRLP.No.6297 of 2022

DISPOSING OF THE CRIMINAL PETITION
WITHOUT COSTS.

S
[Signature]
10/8/2022