

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 6381 OF 2022

Between:

1. Nelluri Lingaiah And 2 Others, S/o. Late Roshaiah, Age. 45 years, occ. Agriculture-R/o. Gondriyala Village, Ananthagiri Mandal, Suryapet District.
2. Nelluri Purnamma, W/o. Nelluri Lingaiah, Age. 45 years, occ. Agriculture, R/o. Gondriyala Village, Ananthagiri Mandal, Suryapet District.
3. Narmada, W/o. Not known, Age. 40 years, occ. Agriculture, R/o. Gondriyala Village, Ananthagiri Mandal, Suryapet District.

...PETITIONER/ACCUSED NO 1 TO 3

AND

1. The State of Telangana And Another, through SHO P.S. Ananthagiri, Rep., by Public Prosecutor, High Court For the State of Telangana, At Hyderabad
2. Nelluri Prasad Rao, S/o. Venkatramaiah, Age. 67 years, Occ. Agriculture, R/o. Gondriyala Village, Ananthagiri Mandal, Suryapet District

...RESPONDENT/S

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 call for the records relating to and connected with the proceedings in Cr. No. 98 of 2022 on the file of SHO, PS Ananthagiri, Suryapet District against the petitioners/Accused No 1 to 3 and quash the same.

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 Cr. No. 98 of 2022 on the file of

SHO, PS Ananthagiri, Suryapet District including the arrest of the petitioners/ Accused No. 1 to 3 till the disposal of the Main Quash Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri V BRAHMAIAH CHOWDARY, Advocate for the Petitioner and the Additional Public Prosecutor 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.6381 of 2022

ORDER

Seeking to quash the proceedings that are pending against the petitioners, who are arrayed as accused Nos.1 to 3 in Crime No.98 of 2022 of Ananthagiri Police Station, Suryapet District, the present criminal petition is filed.

2. Heard the submission of learned counsel for the petitioners as well as learned Assistant Public Prosecutor.

3. Learned counsel for the petitioners submits that the petitioners have not committed any offences and indeed due to prevalence of civil disputes between the petitioners and the 2nd respondent, a case was foisted against the petitioners alleging that they committed offences punishable under Sections 341, 323, 504 and 506 read with 34 I.P.C. Learned counsel further contends that no further orders in this criminal petition are required, except protecting the petitioners from arbitrary arrest.

4. Learned Assistant Public Prosecutor did not raise any objection to direct the concerned police to follow the procedure established by law.

5. 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, Ananthagiri Police Station, shall not effect arrest of the petitioners/Accused Nos.1 to 3 without following the procedure established by law.

(2) The Station House Officer, Ananthagiri 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 the personal appearance of the petitioners/Accused Nos.1 to 3 during the course of investigation, except where their personal appearance is required.

(5) In case the personal appearance of the petitioners/Accused Nos. 1 to 3 is required, the same shall be communicated to them in writing indicating the reasons for which their personal appearance is sought.

(6) However, it is made clear that the Investigation may go on.

(7) That the petitioners/Accused Nos.1 to 3 shall cooperate with the police during the process of investigation.

With the above directions, this Criminal Petition is disposed of.

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

SD/-K.SAILESHI
DEPUTY REGISTRAR

SECTION OFFICER

//TRUE COPY//

To,

1. The Additional Judicial First Class Magistrate at Kodad.
2. The Station House Officer, P.S. Ananthagiri, Suryapet District.
3. One CC to SRI V BRAHMAIAH CHOWDARY Advocate [OPUC]
4. Two CCs to the ADDITIONAL PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad. [OUT]
5. Two CD Copies
6. One Spare Copy



HIGH COURT

DATED:19/07/2022

ORDER

CRLP.No.6381 of 2022



DISPOSING OF THE CRIMINAL PETITION.

(8) NLD
23/8/22