

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

**MONDAY, THE FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 6821 OF 2022

Between:

Mr. Pramod Ammanamanchi, S/o. Prabhakar, Aged about 31 years, Occ.
Private Employee, R/o. Flat No. 304, Sri Datha Grand View, Manikonda,
Hyderabad.

...PETITIONER/ACCUSED No.2

AND

1. State of Telangana, represented through SHO, RGI Airport Shamshabad,
Rep. by Public Prosecutor at High Court, Hyderabad

...RESPONDENT No.1

2. Mr. Piyush Agarwal, S/o Surjan Prasad Agarwal, Aged about 45 years, Occ
Private Employee, R/o GMR Hyderabad aviation SEZ Limited, RGIA,
Shamshabad, Hyderabad-500 108.

...RESPONDENT No.2/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 proceedings in Crime/FIR No. 331 of 2022 on the file of PS
RGI Airport Shamshabad.

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 Crime/FIR No. 331 of 2022 on
the file of PS RGI Airport Shamshabad, in so far as petitioner herein is concerned.

This Petition coming on for hearing, upon perusing the Memorandum of
Grounds of Criminal Petition and upon hearing the arguments of Sri Kanduri
Koushik, Advocate for the Petitioner and the Assistant 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.6821 OF 2022

ORDER.

Seeking to quash the proceedings that are pending against the petitioner, who is arrayed as accused No.2 in Crime No.331 of 2022 of RGI Airport Shamshabad Police Station, Hyderabad, the present criminal petition is filed.

2. Heard the submission of learned counsel for the petitioner as well as learned Assistant Public Prosecutor, who is representing respondent No.1. In the light of the limited relief sought for, issuance of notice to respondent No.2 is felt not necessary.

3. Learned counsel for the petitioner submits that the only allegation that is levelled against the petitioner in the complaint is that the petitioner, who is an employee of accused No.1, had acted under the directions of accused No.1 and therefore the said allegation, even if it is taken as true, does not constitute any offence. Learned counsel however states that no further orders in this criminal petition are required, except to protect the petitioner 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 disposes of this Criminal Petition with the following directions:-

(1) The Station House Officer, RGI Airport Shamshabad Police Station, Hyderabad, shall not effect arrest of the petitioner/Accused No.2 without following the procedure established by law.

(2) The Station House Officer, RGI Airport Shamshabad Police Station, Hyderabad/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 petitioner/Accused No.2 during the course of

investigation, except where his personal appearance is required.

(5) In case the personal appearance of the petitioner/Accused No.2 is required, the same shall be communicated to him in writing indicating the reasons for which his personal appearance is sought.

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

(7) The petitioner/Accused No.2 shall cooperate with the police during the process of investigation.

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

//TRUE COPY//

SD/-T.JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The I Additional Junior Civil Judge -cum- XII Additional Metropolitan Magistrate, Cyberabad at Rajendranagar.
2. The Station House Officer, RGI Airport Shamshabad.
3. One CC to Sri Kanduri Koushik, Advocate [OPUC]
4. Two CCs to the Assistant Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies
6. One Spare Copy

TL

HIGH COURT

DATED:01/08/2022

ORDER

CRLP.No.6821 of 2022



DISPOSING OF THE CRIMINAL PETITION

Atty (8)
5/9/2022