

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 6871 OF 2022

Between:

Mir Faiyaz Ali, S/o Late Mazhar Ali Aged 58 years, Occ. Mutawalli R/o 9-8-157
Road No. 8 Yadagiri Nagar, Champapet, Almasguda, Ranga Reddy. T.S.

...PETITIONER

AND

1. The State of Telangana and another, Rep by Public Prosecutor, High Court of Telangana Hyderabad T.S.
2. Mohd. Ghouse Mohiuddin, S/o Mohd. Jahangir Aged 46 years, Occ. Inspector Auditor, Waqf Office at Haj House Nampally, Hyderabad.

...RESPONDENTS

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 records relating to the Crime. No. 308/2022 dated 24/06/2022 of Shamshabad /Cyberabad Police Station, Shamshabad Mandal, Ranga Reddy District and Quash the same in the interest of justice, as otherwise the Petitioners will suffer irreparable damage and hardship, which cannot be compensated in any mode.

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 Crime. No. 308/2022 dated 24/06/2022 of Shamsabad Police Station, of Shamsabad Mandal, Ranga Reddy District, against the Petitioner including the arrest, pending the Quash Petition, in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SHAFATH AHMED KHAN ,Advocate for the Petitioner and of the Assistant Public Prosecutor on behalf of the Respondent No.1 and of None appeared for the Respondent No.2

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.6871 of 2022

ORDER:

This Criminal Petition under Section 482 Cr.P.C. is filed seeking the Court to quash the proceedings that are pending against the petitioner in Crime No.308 of 2022 of Shamshabad Police Station, Ranga Reddy District.

2. Heard the submission of Sri Shafath Ahmed Khan, learned counsel for the petitioner 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, issuance of notice to respondent No.2/defacto complainant is felt not necessary.

3. Learned counsel for the petitioner submits that the petitioner, who is arrayed as Accused No.4 in the above crime, is a Priest by profession and he was not available at the place of incident on the date of the alleged incident itself and, therefore, the question of the petitioner committing the offences does not arise and, indeed, a false case is foisted against the petitioner basing on the prevailing civil disputes, and thus, the FIR is liable to be quashed. However, learned counsel states that no further

orders in this Criminal Petition are required, except providing protection from arbitrary arrest of the petitioner by the police.

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

5. Therefore, taking into consideration the submission made by learned counsel for the respective parties and also the facts and circumstances of the case, this Criminal Petition is disposed of with the following directions:

(1) The Station House Officer, Shamshabad Police Station, shall not effect arrest of the petitioner without following the procedure established by law.

(2) The Station House Officer, Shamshabad 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, Shamshabad Police Station/ Investigating Officer shall not insist upon the personal

appearance of the petitioner during the course of investigation, except where his personal appearance is required.

(5) In case the personal appearance of the petitioner 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) That the petitioner shall cooperate with the police during the process of investigation.

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

//TRUE COPY//

SD/-M.MANJULA
DEPUTY REGISTRAR
GB
SECTION OFFICER

To,

1. The XI Additional Metropolitan Magistrate, Cyberabad at Hyderabad.
2. The Station House Officer, Shamshabad Police Station.
3. One CC to SRI. SHAFATH AHMED KHAN, Advocate [OPUC]
4. Two CCs to the PUBLIC PROSECUTOR, High court for the State of Telangana at Hyderabad.[OUT]
5. Two CD Copies
6. One Spare Copy

SB

Am

HIGH COURT

DATED:02/08/2022



ORDER

CRLP.No.6871 of 2022

DISPOSING OF THE CRIMINAL PETITION
WITHOUT COSTS

(9)
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11/8/22