

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

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

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 7674 OF 2022

Between:

Syed Mujahid Ali Qureshi, S/o. Syed Sujjad Ali Qureshi, Aged 37 years,
Occ. Business, R/o. H.No.5-110/3/A, Jadcherla Village, Jadcherla Mandal,
Mahabubnagar District.

...Petitioner/Accused 1

AND

1. The State of Telangana, Through PS Jadcherla, represented by its Public Prosecutor, High Court of Telangana, Hyderabad
2. Syed Shadji, S/o. Syed Shabbir, Aged 38 years, R/o. Veerannapeta, Occ.Business, Mahabubnagar District.

...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 quash the FIR No. 495 of 2022 dated 07.08.2022 registered at Jadcherla Police Station.

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 grant stay of all further proceedings including the investigation and arrest of the Petitioner/Accused No. 1 in F.I.R. No. 495 of 2022 dated 07.08.2022 on the file of the Jadcherla Police Station, 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 Karam Chendu Komireddy, Advocate for the Petitioner and the Assistant Public

Prosecutor on behalf of the Respondent No.1 and of the Respondent No.2 not appearing in person or by Advocate.

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.7674 of 2022

ORDER:

This Criminal Petition under Section 482 Cr.P.C. is filed by the petitioner, who is arrayed as Accused No.1, seeking the Court to quash the proceedings in FIR No.495 of 2022 of Jadcherla Police Station, Mahabubnagar District.

2. Heard the submission of learned counsel for the petitioner as well as the learned Assistant Public Prosecutor, who is representing 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 dispute is purely civil in nature and the petitioner has not committed any offence whatsoever and, indeed, as per the contents of the Mortgage Deed, over which respondent No.2 relied upon, the petitioner is also a party to the said deed and, thus, the allegations levelled are false. Learned counsel also states that the offence punishable under Section 420 IPC is not made out by the contents of the complaint given by respondent No.2. 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, Jadcherla Police Station, shall not effect arrest of the petitioner/Accused No.1 without following the procedure established by law.
- (2) The Station House Officer, Jadcherla 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, Jadcherla Police Station/Investigating Officer shall not insist upon the personal appearance of the petitioner/Accused No.1 during the course of investigation, except where his personal appearance is required.

(5) In case the personal appearance of the petitioner/Accused No.1 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/Accused No.1 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/-T.SRINIVAS
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Judicial First Class Magistrate, at Jadchela.
2. The Station House Officer, Jadcherla Police Station, Mahabubnagar District.
3. Two CCs to the Assistant Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Karam Chendu Komireddy, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

MMK
SB

HIGH COURT

DATED:29/08/2022

ORDER

CRLP.No.7674 of 2022



DISPOSING OF THE CRIMINAL PETITION

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MA
30/8/22