

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

**TUESDAY, THE SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 7975 OF 2022

Between:

Chinthalaphani Srinivas Reddy, S/o. Krishna Reddy, Aged about 53 years, Occ.Agriculture, R/o. H.No.1-143, Kolant3Kaka Road, Alair Village and Mandal, Yadadri Bhuvanagiri District, PIN - 508101

...Petitioner/Accused No.3

AND

1. The State of Telangana, represented by its Public Prosecutor through P.S. Alair, Yadadri Bhuvanagiri District.

...Respondent/Complainant

2. Vaggu Prathap, S/o. Ramulu, Aged about 35 years, Occ. Business, R/o.Vangapally Village,Yadagirigutta Mandal, Yadadri Bhuvanagiri District

...Respondent/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 call for the records in FIR No.183 of 2022 on the file of the P.S. Alair, Yadadri Bhuvanagiri District, and the same may be quashed.

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 of all further proceedings in FIR No.183 of 2022 on the file of the P.S. Alair, Yadadri Bhuvanagiri District, pending finalization of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri JALLI KANAKAIAH, 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.7975 OF 2022

ORDER:-

1. Heard the submission of the learned counsel for the petitioner as well as the learned Assistant Public Prosecutor representing Respondent No.1-State.
2. In the light of the limited request made, issuance of notice to Respondent No.2 is felt not required.
3. Seeking the Court to quash the proceedings that are pending against the petitioner who is arrayed as Accused No.3 in Crime No.183 of 2022 of Alair Police Station, Yadadri Bhuvanagiri District, the present Criminal Petition is filed.
4. Learned counsel for the petitioner submits that the petitioner who is arrayed as Accused No.3 has not committed any offences, whatsoever, more so, attracting the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Learned counsel further states that the Police are trying to arrest the petitioner arbitrarily and therefore, 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 for grant of such relief.

5. Thus, having regard to the submissions made and keeping in view the facts and circumstances of the case, this Criminal Petition is disposed of with the following directions:

- (i) The Station House Officer, Alair Police Station /Investigating Officer shall not affect arrest of the petitioner/Accused No.3 without following the procedure established by law.
- (ii) The Station House Officer, Alair Police Station/Investigating Officer, shall adhere to the requirement to follow Section 41-A Cr.P.C except under the circumstances mentioned under Sections 41(1) and 41-A (4) Cr.P.C.
- (iii) The guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar Vs. State of Bihar**¹ shall be followed.
- (iv) The Station House Officer/Investigating Officer shall not insist upon the personal appearance of the petitioner/Accused No.3 during the course of

¹ (2014) 8 SCC 273

investigation, except where his personal appearance is required.

- (v) In case the personal appearance of the petitioner/Accused No.3 is required, the same shall be communicated to him in writing indicating the reasons for which his personal appearance is sought.
- (vi) However, it is made clear that the Investigation may go on.
- (vii) That the petitioner/Accused No.3 shall cooperate with the police during the process of investigation.

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

//TRUE COPY//

Sd/-K.SAILESHI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Judicial First Class Magistrate, at Alair.
2. The Station House Officer, Alair Police Station, Yadadri Bhuvanagiri District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. JALLI KANAKAIAH, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

MMK

Am

HIGH COURT

DATED:06/09/2022

ORDER

CRLP.No.7975 of 2022



DISPOSING OF THE CRIMINAL PETITION

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MA
7/9/22