

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

**WEDNESDAY THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 8314 OF 2022

Between:

Moharram Ali, S/o. Ale Nabi Aged about 36 years, Occ. Business, R/o. H.No.11-1-1181 Afazal Sagar, Mallepally, Nampally, Hyderabad, T.S.

...Petitioner/A-5

AND

1. The State of Telangana Represented by its Public Prosecutor, High Court at Hyderabad
2. Challa Sugunakar, S/o. Sammi Reddy, Aged about 34 years, Occ. Pvt.Service, R/o. Waddepally Church, Hanamkonda, T.S

...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 proceedings against the petitioner/accused No.5 in Crime No.136 of 2022 of P.S. Rayaparthi.

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 stay all further in Crime No. 136 of 2022 of RS Rayaparthi including arrest of the petitioner/ Accused No. 5 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 Syed Mustafa Quadri, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and None Appeared for the Respondent No.2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.8314 OF 2022****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused No.5 seeking to quash the proceedings against him in FIR No.136 of 2022 pending on the file of Station House Officer, Rayaparathi Police Station, Warangal District. The offence alleged against him is under Section 411 of Indian Penal Code (for short 'IPC').

2. Heard both sides.
 3. After arguing sometime, learned counsel for the petitioner confines his prayer to direct the police to follow the procedure prescribed under Section 41-A of Cr.P.C. for the reason of the offences alleged against the petitioner is punishable up to seven (07) years.
 4. In view of the aforesaid submission of the learned counsel for the petitioner, this Criminal Petition is disposed of directing
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the Investigating Officer in FIR No.136 of 2022 pending on the file of Station House Officer, Rayaparthi Police Station, Warangal District, to strictly follow the procedure laid down under Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar***¹. The petitioner shall co-operate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

Miscellaneous applications pending, if any, shall stand closed.

SD/- P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Metropolitan Magistrate Additional Judicial First Class Magistrate at Warangal.
2. The Station House Officer, Rayaparthi Police Station, Warangal District.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Syed Mustafa Quadri, Advocate [OPUC]
5. Two CD Copies

OK PMG.

¹ [2014] 8 SCC 213

HIGH COURT

KSJ

DATED:23/11/2022



ORDER

CRLP.No.8314 of 2022

DISPOSING THE CRIMINAL PETITION

② pmg
15/12/22