

**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: 9332 OF 2022

Between:

Ashok Kumar, S/o.Late Ranga Swami, Aged. 19 years, Occ. Labour, R/o. Peddapothulapadu Village, Manopad Mandal, Jogulamba Gadwal District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana. **...RESPONDENT No.1**
2. Venkateshwarlu Chakali, S/o. Chakali Anjaneyulu, Aged. 45 years, Occ. Farmer, R/o. Bonkur Village, Undaveliy Mandal, Jogulamba Gadwal District.

...RESPONDENT No.2/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 FIR No.42/2022 dated 23/04/2022 on the file of P.S. Undavelly, Jogulamba Gadwal District against the Petitioner.

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 proceedings in FIR No. 42/2022 dated 23/8/2022 on the file of Undavelly, Jogulamba Gadwal District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri MALIPEDDI RAJA LAXMI, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1.

The Court made the following:

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.9332 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 seeking to quash the proceedings against him in FIR No.42 of 2022 pending on the file of Station House Officer, Undavelly Police Station, Jogulamba Gadwal District. The offence alleged against him is under Section 363 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

the Investigating Officer in FIR No.42 of 2022 pending on the file of Station House Officer, Undavelly Police Station, Jogulamba Gadwal 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/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

4/11/23
SECTION OFFICER

To,

1. The Judicial Magistrate of First Class at Alampur.
2. The Station House Officer, Undavelly Police Station, Jogulamba Gadwal District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT).
4. One CC to Sri MALIPEDDI RAJA LAXMI, Advocate [OPUC]
5. Two CD Copies

DL

PMG.

¹ (2014) 8 SCC 273

HIGH COURT

KS,J

DATED:23/11/2022

ORDER

CRLP.No.9332 of 2022



CRIMINAL PETITION IS DISPOSED OF

② pme.
12/1/23.