

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

**TUESDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 9607 OF 2022

Between:

1. Mohd. Sayeed Ahmed, S/o Mohd. Muneer, aged 50 yrs, Occ. Advocate, Caste. Muslim, R/o H.No.3-1-139, Bangla Street, Bhainsa, Nirmal District
2. Mohd. Waseem, S/o Mohd. Kareem, aged 45 yrs, Occ Business, Caste. Muslim, R/o Bhainsa, Nirmal District
3. Mohd. Mirza Khasim Baig, S/o Mirza Abbas Baig, aged 48 yrs, Occ. Business, Caste. Muslim, R/o Bhainsa, Nirmal District

...PETITIONER/ACCUSED No. 1 to 3

AND

1. The State of Telangana, The Station House Officer, Bhainsa TN Police Station, Nirmal District. Rep. by Public Prosecutor, High Court of Telangana, Hyderabad.
2. Abu Shabir, S/o Abu Basheer, aged 33 yrs, Occ. NIL, R/o H.No.4-1-96, Chowdarigally, Bhainsa, Nirmal District

...RESPONDENTS/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 quash the proceedings in FIR No.188 of 2022 dt.27-09-2022 on the file of PS Bhainsa TN, under Section 468 r/w 34 of IPC.

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 FIR No.188 of 2022 dt.27-09-2022 on the file of PS Bhainsa TN, 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 Bokaro Sapna Reddy, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent No. 1 and none for the Respondent No. 2

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.9607 of 2022

ORDER :

Heard the submission of the learned counsel for the petitioners as well as the learned Additional Public Prosecutor, who is representing respondent No.1.

2. In the light of the limited relief sought for, issuance of notice to respondent No.2 is felt not necessary.

3. Seeking the Court to quash the proceedings that are pending against the petitioners, who are arrayed as accused Nos.1 to 3 in Crime No.188 of 2022 of Bhainsa Town Police Station, Nirmal District, the present Criminal Petition is filed.

4. Learned counsel for the petitioners submits that the dispute is civil in nature, civil suit as well as Calendar Case is pending regarding the subject matter. Learned counsel also submits that the whole allegation is that a receipt was forged and indeed no such forgery took place. Learned counsel further, finally submits that no further orders in this criminal petition are required except to protect the petitioners from arbitrary arrest.

5. Learned Additional Public Prosecutor did not raise any serious objection to grant such a relief.

6. Taking into consideration the submissions made, the relevant material that is brought on record and also the facts and circumstances of the case, the Criminal Petition is disposed of with the following directions:-

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

(2) The Station House Officer, Bhainsa 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.

(3) The guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***¹ shall be followed.

(4) The Station House Officer, Bhainsa Police Station /Investigating Officer, shall not insist upon the personal appearance of the petitioners during the

¹ (2014) 8 SCC 273

course of investigation, except where their personal appearance is required.

- 5) In case the personal appearance of the petitioners is required, the same shall be communicated to them in writing indicating the reasons for which their personal appearance is sought.
 - 6) However, it is made clear that the Investigation may go on.
 - 7) That the petitioners shall co-operate with police during the process of investigation.
7. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

Sd/- K. AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Station House Officer, Bhainsa TN Police Station, Nirmal District.
2. One CC to Sri Bokaro Sapna Reddy, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad. [OUT]
4. Two CD Copies

VH

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HIGH COURT

DATED: 01/11/2022



ORDER

CRL.P.No.9607 of 2022

Disposing of the Criminal Petition

(F) op³⁸
Son
14/12/22