

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

**TUESDAY THE FIFTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 10091 OF 2022

Between:

Dappu Chandraiah @ Morri Ram Chandraiah, S/o Ananthaiah Aged about-69Years, Occ: Agril, R/o. H.No-3-62, Mittakankal Village, Pudur Mandal, Vikarabad District.

...PETITIONER/ACCUSED No.8

AND

1. The State of Telangana, Rep. By: Public Prosecutor, High Court, Hyderabad.
2. Madiga Jangaiah, S/o. Lachaiah, Age 60 Years, Occ: Farmer, R/o- H.No.Ragimamidipally Village, Pudur (M), Vikarabad District, Telangana State

...RESPONDENT

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.159/2022, P.S.Chengomul Dated 01/10/2022 On the file of Honble Judicial First Class Magistrate, at Pargi, Vikarabad District, against the Petitioner/Accused No. A8.

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 of all further proceedings against Petitioners/ A8 in FIR.No.159/2022,P.S Chengomul Dated 01/10/2022 On the file of Hon'ble Judicial First Class Magistrate, at Pargi, Vikarabad District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SUBRAMANYAM DARABOINA, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and None appeared for the Respondent No.2

The Court made the following: ORDER

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10091 of 2022

ORDER:

1. Heard the submission of learned counsel for the petitioner 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 required.
3. Seeking the Court to quash the proceedings that are pending against the petitioner who is arrayed as accused No.8 in Crime No.159 of 2022 of Chengomul Police Station, Vikarabad District, the present Criminal Petition is filed.
4. Learned counsel for the petitioner submits that the dispute is purely civil in nature and indeed, two Writ Petitions were filed before this Court regarding the subject matter. Learned counsel also submits that basing on the complaint given, a case was registered against the persons who supported respondent No.2 and charge sheet was also laid. Learned counsel for the petitioner also contends that police ought not to have entertained the complaint given by respondent No.2 as

the dispute is civil in nature. However, learned counsel finally states that no further orders are required in this Criminal Petition except to protect the petitioner from arbitrary arrest.

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

6. Having considered the submission made thus, this Criminal Petition is disposed of with the following directions:-

- (1) The Station House Officer, Chengomul Police Station, shall not effect arrest of the petitioner without following the procedure established by law.
- (2) The Station House Officer, Chengomul 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.

¹ (2014) 8 SCC 273

(4) The Station House Officer, Chengomul Police Station/Investigating Officer shall not insist upon the personal appearance of the petitioner during the course of investigation, except where his personal appearance is required.

(5) In case the personal appearance of the petitioner 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 shall co-operate with police during the process of investigation.

7. As a sequel, pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

Sd/- K. SHYLESHI
DEPUTY REGISTRAR

SECTION OFFICER

- To,
1. The Judicial First Class Magistrate at Pargi, Vikarabad District.
 2. The Station House Officer, Police Station Chengomul, Vikarabad District.
 3. Two CC's to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT).
 4. One CC to Sri Daraboina Subramanyam Yadav, Advocate [OPUC]
 5. Two CD Copies

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HIGH COURT

Dr. CSLJ

DATED:15/11/2022

ORDER

CRLP.No.10091 of 2022



CRIMINAL PETITION IS DISPOSED OF

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13/11/23