

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

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

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 10256 OF 2022

Between:

1. Syed Akbar Pasha, S/o Syed Basheer Ahmed.
2. Nasir Pasha, S/o Syed Basheer Ahmed.

...PETITIONERS

AND

1. The State of Telangana, Rep. its Public Prosecutor, High Court of Telangana
At Hyderabad.
2. Javeed Khan, S/o.Amirul Khan

...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 petitioners/Accused No.1 and 2 in F.I.R.No.1189 of 2022 dated 05-11-2022 on the file of the P.S.Medipally Rachakonda, Telangana

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 proceeding F.I.R.No.1189 OF 2022 dated 05- 11-2022 on the file of the P.S.Medipally Rachakonda, Telangana

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri G. RAJESHWAR RAO, Advocate for the Petitioners and of the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.10256 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 petitioners-Accused Nos.1 and 2 to quash the proceedings against them in FIR No.1189 of 2022 pending on the file of Station House Officer, Medipally Police Station, Rachakonda. The offences alleged against them are under Sections 323 and 504 of Indian Penal Code (for short "IPC").

2. Heard both sides.
3. After arguing sometime, learned counsel for the petitioners confines his prayer to direct the police to follow the procedure prescribed under Section 41-A of Cr.P.C. for reason of the offences alleged against the petitioners are punishable less than seven (07) years.
4. In view of the aforesaid submission of the learned counsel for the petitioners, this Criminal Petition is disposed off directing

the Investigating Officer in FIR No.1189 of 2022 pending on the file of Station House Officer, Medipally Police Station, Rachakonda, 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 petitioners 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.

//TRUE COPY//

T. KRISHNA KUMAR
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Junior Civil Judge-cum-IV Additional Metropolitan Magistrate, Medchal, Malkajgiri District.
2. The Station House Officer, POLICE STATION Medipally, Rachakonda.
3. The Public Prosecutor, High Court, Hyderabad.(OUT)
4. One CC to Sri G. RAJESHWAR RAO, Advocate [OPUC]
5. Two CD Copies.

njb
B3M

HIGH COURT
KS,J

DATED:22/11/2022



ORDER
CRLP.No.10256 of 2022

DISPOSED OFF.

7 Copies

BSK
17/1/23.