

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

**FRIDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 10729 OF 2022

Between:

1. Kurma Shiva Kumar S/o Kurma Gangaram
2. Kurma Shantha, W/o Late Kurma Gangaram
3. Pannela Vittalesh Babu, s/o Pannela Malgonda
4. Chandra Mohan, s/o Pannela Malgonda
5. Devaiah, S/o Kurma Bhungonda
6. Chennamasetty Bharathi, W/o C. Krishnamurthi

...PETITIONERS/ACCUSED(S)

AND

1. The State of Telangana and another, Station House Officer, Bheemgal Police Station, Nizamabad, Nizamabad District, Telangana, Rep. by public prosecutor High Court, Hyderabad
2. Smt. Dandu Kavitha, W/o K. Shiva Kumar, D/o Dhandu Limbaiah, Aged about 26 years

...RESPONDENT/COMPLAINANTS

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 call for the records in Crime No.168/2022 dt.22/11/2022 on the file of the Station House Officer, Bheemgal Police Station, Nizamabad District, Telangana and quash the same in so far as the Petitioners/A-1 to A6 are concerned.

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 grant stay of all further proceedings including arrest of the petitioners/ A-1 to A-6 in Crime No.168/2022 dt.22/11/2022 on the file of the Station House Officer, Bheemgal Police Station, Nizamabad District, Telangana 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 SANTHOSH SOMU, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No. 1.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.10729 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 to 6 quash the proceedings against them in FIR No.168 of 2022 pending on the file of the Station House Officer, Bheemgal Police Station, Nizamabad District, Telangana. The offences alleged against them are under Sections 498-A, 420 of Indian Penal Code (for short "IPC"), 3, 4 DPA

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.168 of 2022 pending on the file of the Station House Officer, Bheemgal Police Station, Nizamabad District, Telangana, 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.

Sd/- K. VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Judicial First Class Magistrate, Armoor, Nizamabad District.
2. The S.H.O., P.S. Bheemgal, Nizamabad District.
3. The Public Prosecutor, High Court, Hyd [OUT]
4. One CC to SRI SANTHOSH SOMU Advocate [OPUC]
5. Two CD Copies

VII

[Handwritten signature]

HIGH COURT

KS, J

DATED: 02/12/2022

ORDER

CRLP.No.10729 of 2022



Disposing of the Criminal Petition

①
4/1/23
JWS