

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

**TUESDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11026 OF 2022

Between:

1. Mohammed Khalid, S/o. Mohammed Zakir Aged about 35 years, Occ. Advocate, R/o. H.No. 18-12-418/A/254, Hafizbabanagar, Kanchanbagh, Bandlaguda, Hyderabad. (A-1)
2. Md. Hussain, S/o. Mohammed Zakir, Aged about 35 years, Occ. Advocate, R/o. H.No. 18-12-418/A/254, Hafizbabanagar, Kanchanbagh, Bandlaguda, Hyderabad. (A-2)
3. Zahid Mohammed, S/o. Mohammed Zakir, aged about 38 years, Occ. Private Job, R/o. H.No. 18-12-418/A/254, Hafizbabanagar, Kanchanbagh, Bandlaguda, Hyderabad. (A-3)

...Petitioners/Accused

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court for the State of Telangana, at Hyderabad.
2. Farheen Sultana, S/o. Shaik Mohammed, Aged about 34 years, Occ. Housewife, R/o. 18-12-418/0/140/A, Omer Colony, Hafeezbabanagar, Hyderabad.

...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 Crime No.303/2022 of Kanchanbagh Police Station, Hyderabad, against the petitioner's.

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 investigation including arrest of the petitioners in Crime No.303/2022 of Kanchanbagh Police Station, Hyderabad, pending disposal of the criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri C.SHARAN REDDY ,Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and None Appeared for the Respondent No.2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.11026 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 3 to quash the proceedings against them in FIR No.303 of 2022 pending on the file of Station House Officer, Kanchanbagh Police Station, Hyderabad. The offences alleged against them are under Sections 342, 324 read with 34 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 is 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.303 of 2022 pending on the file of Station House Officer, Kanchanbagh Police Station, Hyderabad. The offences alleged against them are under Sections 342, 324 read with 34 of Indian Penal Code (for short "IPC") 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.

5. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

SD/-C.PRAVEEN KUMAR
ASSISTANT REGISTRAR



SECTION OFFICER

(2014)8 SCC 273

//TRUE COPY//

To,

1. The VII Additional Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer, Kanchanbagh Police Station, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad.(OUT)
4. One CC to SRI. C. SHARAN REDDY, Advocate [OPUC]
5. Two CD Copies.



KAM

SB

HIGH COURT

DATED:13/12/2022

ORDER

CRLP.No.11026 of 2022



DISPOSING OF THE CRIMINAL PETITION.

⑧
MA
21/12/22