

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

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

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11594 OF 2022

Between:

Kandru Hari kumar, S/o.Sambhasiva Rao, aged about 50 years, Occ. Business,
R/o Flat No. 301, 59 A, 6/1-12 Plot No 50, rd Road, RTC Colony, Vijayawada
Polytechnic, Patamata, Vijayawada, Krishna District- 520008.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep by its Public Prosecutor High Court Buildings, at
Hyderabad. Through Bhavani Nagar Police Station, Hyderabad

**RESPONDENT/
RESPONDENT**

2. Abdul Rehman, S/o. Suleman Bin Mahmood, aged about 31 years, R/o. 16-5-
22, Dabeerpura, Farhat Nagar, Hyderabad, Telangana

...RESPONDENT/DE-FACTO 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 call for the entire records in F.I.R.No. 204 of 2022 dated 30-11-2022 on the file of S.H.O. Bhavani Nagar P.S., Hyderabad District, registered offence under Sec. 420, 504 IPC and quash the same as abuse of process of law against the petitioner herein.

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 petitioner in connection with F.I.R.No. 204 of 2022 dated 30-11-2022 on the file of S.H.O. Bhavani Nagar P.S., Hyderabad District, pending disposal of the above criminal petition in this Hon'ble Court.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M A SHAKEEL, Advocate for the Petitioner and the Public Prosecutor for the State of Telangana 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.11594 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 petitioner-Accused to quash the proceedings against him in FIR No.204 of 2022 of Bhavani Nagar Police Station, Hyderabad District. The offences alleged against him are under Sections 420, 504 of Indian Penal Code (for short "IPC").

2. Heard both sides.

3. The case of 2nd respondent/*de facto* complainant is that he was doing business with this petitioner for the past 4 years and used to supply goods on credit and also on cash. However, an amount of Rs. 8 lakhs outstanding towards supply of spectacle frames was given to the petitioner.

4. The transactions between them are predominantly civil in nature. For which reason 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 petitioner is punishable less than seven (07) years

5. In view of the aforesaid submission of the learned counsel for the petitioner, this Criminal Petition is disposed off directing the Investigating Officer in FIR No.204 of 2022 of Bhavani Nagar Police Station, Hyderabad District. The offences alleged against him are under Sections 420, 504 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 petitioner shall co-operate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation and to conclude the investigation without taking any coercive steps against the petitioner – Accused. Further, the petitioner shall co-operate with the Investigating Officer as and when required for the purpose of investigation.

6. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- K.AMMAJI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The VIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.
2. The Station House Officer, Bhavaninagar Police Station, Hyderabad District.
3. Two CCs to the Public Prosecutor for the state of Telangana at Hyderabad (OUT)
4. One CC to SRI. M A SHAKEEL, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:23/12/2022

ORDER

CRLP.No.11594 of 2022



DISPOSING OF THE CRIMINAL PETITION

8
4/1/23
HVd