

**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: 11602 OF 2022

Between:

Samudrala Rajesh Kumar, S/o. Samudrala Vinod Kumar Aged about 33 years,
Occ- Nill R/o. H.No. 15-6-105-1, Papaiahpet, Warangal, Warangal Urban-506002
...Petitioner/A-1

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court,
Hyderabad.

Respondent/Complainant

2. Kota Gurucharanam, S/o. Late Malleshham, Age 61 years, Occ- Retired
Railway Employee, R/o. H.No. 1-5-477, Ayyappa Nagar Colony, Alwal,
Secunderabad.

...Respondent/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 against the Petitioner in Crime No.547 of 2022 of Alwal Police Station, Cyberabad.

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 all further proceedings including arrest of the Petitioner in Crime No. 547 of 2022 of Alwal Police Station, Cyberabad, Pending disposal of the quash petition before 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 E VENKATA REDDY, Advocate for the Petitioner and of 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.11602 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 No.1 to quash the proceedings against him in FIR No.547 of 2022 pending on the file of Station House Officer, Alwal Police Station, Cyberabad. The offences alleged against him are under Sections 406, 420 of Indian Penal Code (for short "IPC").

2. Heard both sides.
3. After arguing sometime, learned counsel for the petitioner 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 petitioner is punishable less than seven (07) years.
4. 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.547 of 2022 pending on the file of Station House Officer, Alwal Police Station, Cyberabad. The offences alleged against him are under Sections 420, 406 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.

5. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

(2014) 8 SCC 273.

Note: This order is amended as per Court Order dated 16/02/23 made in IA No.1 of 2023, in the operative portion it is corrected as "F.I.R.No.547 of 2022 and Alwal Police Station, U/s. 406 & 420" instead of "F.I.R.No.952 of 2022 and Medchal Police Station, U/s. 386 & 504". This Order substitutes earlier order which was dispatched on 26/12/22.

Sd/- B. SATYAVATHI
DEPUTY REGISTRAR

Sd/-B.SATYAVATHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The X Metropolitan Magistrate at Medchal Court, Cyberabad, Medchal District.
2. The Station House Officer, Alwal Police Station, Cyberabad.
3. Two CCs to the Public Prosecutor for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI. E VENKATA REDDY Advocate [OPUC]
5. Two CD Copies

Pr
pmg.

HIGH COURT

KSJ

DATED:23/12/2022

DATED: 16/02/2023

AMENDED ORDER

CRLP.No.11602 of 2022



⑧ pmc.
21/3/23

DISPOSING OF THE CRIMINAL PETITION