

**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: 11609 OF 2022

Between:

Koneru Gandhi, S/o. K. Hanmanth Rao, Age 61 years, Occ. Business,
R/o. Flat No.501, Norvens Vaishno, Sudham Nagar Near Villa Marie
College, Somajiguda, Hyderabad.

...Petitioner/Accused

AND

1. The State of Telangana, Represented by Public Prosecutor, High Court of Telangana, at Hyderabad.
2. Ravi Rambabu, S/o.Late.Nageshwar Rao, Aged 64 years, Occ. Business, R/o.Plot No.660, Road No.33, Jublihill, Hyderabad.

...Respondent/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 records pertaining to FIR.No.218 of 2022 dated.17.10.2022. Central Crime Station Hyderabad, and quash the same.

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 of all further proceedings in FIR.No.218 of 2022 dated.17.10.2022 Central Crime Station Hyderabad, including the arrest of the Petitioners/Accused.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of M/s D. Y. L. N. CHARYULU, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of the Respondent No.2 not appearing in person or by Advocate.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.11609 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.218 of 2022 pending on the file of Station House Officer, Central Crime Station Police Station, Hyderabad. The offences alleged against him are under Sections 406, 420 120(B) read with 34 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.218 of 2022 pending on the file of Station House Officer, Central Crime Station Police Station, Hyderabad. The offences alleged against him are under Sections 406, 420 120(B) 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 petitioner shall co-operate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation. Needless to say, the petitioner shall assist Investigating Officer with the investigation, failing which, police are at liberty to invoke the procedure under Section 41-A(3) and 41-A(4).

5. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

(2014) 8 SCC 273

//TRUE COPY//

Sd/-T.SRINIVAS
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The XII Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad.
2. The Station House Officer, Central Crime Station, Police Station, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to M/s D. Y. L. N. CHARYULU, Advocate [OPUC]
5. Two CD Copies

K.A.R.

HIGH COURT

DATED:23/12/2022

ORDER

CRLP.No.11609 of 2022



DISPOSING OF THE CRIMINAL PETITION

⑧ VLV
24/12/22