

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

FRIDAY THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11899 OF 2022

Between:

1. Sri.T. Naresh Kumar, S/o Sri. T.Anjaiah, aged about 42 years, Occupation. Managing Director of M/s parijatha Homes and Developers Pvt Ltd, Jubilee Hills, Hyderabad-500033.
2. M/s. Parijatha Homes and Developers PVT. LTD, having its Corporate Office at 1st floor, Meenakshi Housp(Road No.7, Banjara Hills, Hyderabad - 500 034 Represented by its Managing Director.
3. Sri. T. Sridhar, S/o. Sri. T. Anjaiah, aged about 40 years, Occupation. Director of - M/s.Parijatha Homes and Developers Pvt Ltd., R/o H.No.8-2-293/821B158, Gayatri Hills, Jubilee Hills, Hyderabad- 500 033
4. Sri. K. Vighna Raj, S/o. Sri. K. Gopindth, aged about 40 yrs, Occupation.Accountant ICRM., R/o Flat No. 501, 5th Floor, Near Ganesh Temple, Gajularamam, Jeedimetla, Hyderabad, Petitioners/Accused No. 1 to 3 and 5

...PETITIONER/ACCUSED No. 1 to 3 &5

AND

1. The State of Telangana and another, Represented by its Public Prosecutor, High Court, Hyderabad.
2. Mothukuri Ravinder Rao, S/o M. LaxmanRao Occ. Retired Govt. Employee, Aged. 64 yrs., R/o H. No. 2-7-1434, Vijayapal Colony, Waddepally (Rural), Hanumakonda, Warangal, Telangana.

...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 in Cr. No. 1029/2022 PS Banjarahills against the Petitioners/Accused No.1 to 3 and 5 pending investigation with P.S. Banjara Hills within the jurisdiction of Honble III Additional Chief Metropolitan Magistrate, Hyderabad at Nampally.

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 proceedings including the appearance of the Petitioners/Accused No.1 to 3 and 5 before the investigation Authority in Cr. No. 1029/2022 PS Banjarahills within the jurisdiction of Honble III Additional Chief Metropolitan Magistrate, Hyderabad at Nampally pending final disposal of this Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri V. S. SUDHAKAR, 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:

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.11899 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 and 5 to quash the proceedings against them in FIR No.1029 of 2022 pending on the file of Station House Officer, Banjara Hills Police Station, Hyderabad. The offences alleged against them are under Sections 406, 420, 408 and 506 read with 34 of Indian Penal Code (for short "IPC") and Section 156(3) of Cr.P.C.

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 the 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 of directing the Investigating Officer in respect of FIR No.1029 of 2022 pending on the file of Station House Officer, Banjara Hills Police Station, Hyderabad, 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/- N. SRIHARI
ASSISTANT REGISTRAR
Gp
SECTION OFFICER

//TRUE COPY//

To,

1. The III Addl. Chief Metropolitan Magistrate, Hyderabad.
2. The Station House Officer, Banjara Hills 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. V. S. SUDHAKAR, Advocate [OPUC]
5. Two CD Copies

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¹ (2014) 8 SCC 273

HIGH COURT

DATED:30/12/2022

ORDER

CRLP.No.11899 of 2022



THE CRIMINAL PETITION IS DISPOSED OFF

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20/1/23