

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

**TUESDAY, THE TENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 265 OF 2023

Between:

1. Mr. Sameer, S/o. Mehfooz Khan, Aged about 35 years, Occ. Business, R/o. Halima Bai Chawl Natwar Nagar RD Jogeshwari (East Mumbai 60) And present address 409/410. Hub Town Viva. W.E Highway, Near Shankerwadi Jogeshwari (E) Mumbai Maharashtra
2. Mr. Mehfooz, S/o. Mahmood Khan, Aged about 58. years Occ. Business, R/o. 409/410. Hub Town Viva. W.E Highway, Near Shankerwadi Jogeshwari (E) Mumbai Maharashtra.
3. Mr. Asif Kalandar Mulani, Aged about 37 years, Occ. Service, R/o. 39. A.G/F, Shourie Complex, J.P. Road Andheri (West) Mumbai 400058.

...PETITIONERS/ACCUSED No.1,2&3

AND

1. The State of Telangana, Rep by Public Prosecutor High Court for the state of Telangana at Hyderabad. (through S.H.O. Cyber Crime P.S. Hyderabad.

...RESPONDENT

2. Anirudh Agarwal, Shivani Petrochem, 318, Maheshwari Chambers, Somajiguda, Punjagutta Road, Hyderabad, T.S.

...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 FIR in Crime No. 2024 of 2022 on the file of P.S. Cyber Crime Hyderabad, against the petitioners/Accused Nos.1, 2 and 3 and pass such other order or orders as deem fit and proper in the circumstances of the case.

I.A. NO: 2 OF 2023

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 Petitioners/Accused Nos. 1, 2 and 3 in Crime No. 2024 of 2022 on the file of P.S. Cyber Crime Hyderabad pending disposal of the Crl.petition and pass such other order or orders as deem fit and proper in the circumstances of the case.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M R CHOUHAN, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.265 OF 2023

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 Crime No.2024 of 2022 pending on the file of Station House Officer, Cyber Crime Police Station, Hyderabad. The offences alleged against them are under Section 66(C)(D) of ITA Act and Sections 419, 420 of I.P.C.

2. Heard both sides.
3. After arguing for some time, 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 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 off directing the Investigating Officer in Crime No.2024 of 2022 pending on the file of Station House Officer, Cyber Crime 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***.

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/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. SHO., Cybercrime Police Station, Hyderabad.
2. One CC to SRI. M R. CHOUHAN Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT]
4. Two CD Copies

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13/5/23

HIGH COURT

DATED:10/01/2023



ORDER

CRL.P.No.265 of 2023

**DISPOSING OF THE CRLP
WITHOUT COSTS**

7 Copies

BSK
21/2/23.