

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

**WEDNESDAY, THE ELEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 405 OF 2023

Between:

Mr. Godha Santhosh Kiran, S/o. G.Mohan Das, Age. 39 Years, Occ. Pvt. Employee, R/o Plot No.224, Road No.3c, Gayathri Nagar, Vanasthalipuram, Ranga Reddy District.

...Petitioner/Accused No.3

AND

The State of Telangana, Represented by Public Prosecutor, High Court, At Hyderabad, Through Vanasthalipuram Police Station, Ranga Reddy District

...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 criminal proceedings records in crime in F.I.R.No.1214 of 2022 offence under section 370A(ii) IPC, dated .15-09-2022 on the file of the Hon'ble VII Additional Chief Metropolitan Magistrate, Hayathnagar, Ranga redy District and quash the same.

I.A. NO: 1 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 stay of all further proceedings including arrest of the petitioner/accused in crime in FIR No. 1214 of 2022 offence under section 370A (ii) of I.P.C., dated 15-9-2022 on the file of the Hon'ble VII Additional Chief Metropolitan Magistrate, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri RAVINUTALA VENKATA SUBBA RAO, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.405 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 petitioner-Accused No.3 to quash the proceedings against him in Crime No.1214 of 2022 pending on the file of Station House Officer, Vanasthalipuram Police Station, Rachakonda. The offences alleged against him are under Section 370(A)(ii) of IPC, Section 3(1)(2)(a), 4, 5(1)(a), 7 of PIT Act.

2. Heard both sides.
3. After arguing for 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 are 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 Crime No.1214 of 2022 pending on the file of Station House Officer, Vanasthalipuram Police Station, Rachakonda, 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. However, the petitioner is at liberty to question the charge sheet, if any, filed.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- G. SIREESHA
ASSISTANT REGISTRAR


SECTION OFFICER /

To,

1. The VII Additional Metropolitan Magistrate Cyberabad at Hayathnagar, Ranga Reddy District.
2. The Station House Officer, Vanasthalipuram Police Station, Rachakonda.
3. Two CCs to Additional Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. RAVINUTALA VENKATA SUBBA RAO, Advocate [OPUC]
5. Two CD Copies

PSRA 

¹ (2014) 8 SCC 273

HIGH COURT

KS,J

DATED:11/01/2023

ORDER

CRLP.No.405 of 2023



DISPOSING OF THE CRIMINAL PETITION.

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