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: 391 OF 2023

Between:

Mr.Mohammed Muzammil, S/o.Ahasan Mazher Aged about 27 years, Occ. Business, R/o.H.No.10 -5 -366/1, Syed Nagar, Ahmed Nagar, Asifnagar, Humayun Nagar, Hyderabad-28

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by Public Prosecutor, High Court at Hyderabad Through PS Balapur, Rachakonda District-TS
2. Smt.Rafatunnisa Begum, W/o.Mohammed Ali Mouzzam Aged about 47 years, Occ. Housewife, R/o.9 -2 -47/15D, Hasmatpet, Old Bowenpally, Serilingampally, Ranga Reddy District

...RESPONDENTS/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 FIR No.704 of 2022 of P.S Balapur, Rachakonda Commissionerate, Ranga Reddy District, dt.13/12/2022 against the Petitioner/Accused herein.

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 stay of all further proceedings in FIR No.704 of 2022 of P.S Balapur, Rachakonda District, dt.13/12/2022, including arrest of the Petitioner /Accused, pending disposal of the main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri MOHD YOUSUFUDDIN, 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.391 OF 2023

O R D E R:

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.704 of 2022 pending on the file of Station House Officer, Balapur Police Station, Rachakonda. The offences alleged against him are under Sections 417, 419, 420, 468 and 506 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 the 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 of directing

the Investigating Officer in respect of FIR No.704 of 2022 pending on the file of Station House Officer, Balapur 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]. Further, the Investigating Agency shall consider the explanation given by the petitioner during the course of investigation. The petitioner 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.

1(2014) 8 SCC 273

Sd/- P. GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Metropolitan Magistrate cum I Addl. Junior Civil Judge at L.B. Nagar.
2. The Station House Officer, Balapur Rachakonda Commissionerate, Ranga Reddy District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT).
4. One CC to SRI. MOHD YOUSUFUDDIN, Advocate [OPUC]
5. Two CD Copies

DT.

HIGH COURT

DATED:11/01/2023

ORDER

CRLP.No.391 of 2023

Criminal Petition Is Disposed Off

(6)

pm

27/1/23