

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

**THURSDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

**PRESENT
THE HONOURABLE SRI JUSTICE K.SURENDER**

CRIMINAL PETITION NO: 554 OF 2023

Between:

Kesaram Thirupathi, S/o. Kesaram Ravinder, Aged about 32 years, Occ. Business,
R/o.2-4-946/1, B N Reddy Nagar, Cherlapally, Uppal, K.V. Rangareddy, Telangana
State - 51

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the
State of Telangana, Hyderabad
2. Smt Asha Panchariya, W/o Jitendra, Aged about. 41 years, Occ. Un-known,
R/o Plot No.42, Phase-I, HIG Vanasthalipuram, Ranga Reddy District

...RESPONDENTS/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 F.I.R No.1146/2022 dated 29/08/2022 on the file of P.S. Vanasthalipuram for the offence U/S. 420 I.P.C and pass such other order or orders as this Hon'ble Court deems fit and proper in the interests of justice.

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 all further proceedings in F.I.R No.1146/2022 on the file of P.S. Vanasthalipuram for the offence U/S. 420 I.P.C and pass such other order or orders as this Hon'ble Court deems fit and proper in the interests of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SANJEEVA REDDY GARLAPATI, Advocate for the Petitioner and of the Assistant Public Prosecutor (TG) on behalf of the Respondent No.1 and of None Appeared for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.554 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 to quash the proceedings against him in FIR No.1146 of 2022 pending on the file of Station House Officer, Vanasthalipuram Police Station, Rachakonda. The offence alleged against him is under Section 420 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 offence 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 of directing

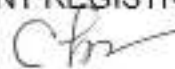
the Investigating Officer in respect of FIR No.1146 of 2022 pending on the file of Station House Officer, Vanasthalipuram Police Station, Rachakonda, to strictly follow the procedure laid down under Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Supreme Court in **Arnesh Kumar 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.

Miscellaneous applications pending, if any, shall stand closed.

¹(2014) 8 SCC 273

//TRUE COPY//

Sd/-N.SRIHARI
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 District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to Sri Sanjeeva Reddy Garlapati, Advocate [OPUC]
5. Two CD Copies

Kj.
n

HIGH COURT

DATED:19/01/2023

ORDER

CRLP.No.554 of 2023



CRL.P. IS DISPOSED OF.

(8)

PM

16/2/23