

**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: 558 OF 2023

Between:

Ayub Khan, S/o. Jahangir Khan, Aged about 52 years, Occupation. Business, R/o
H.No. 19-3-649/11, Fateh Darwaja, Kumarwadi, Falaknuma, Hyderabad-500053

...Petitioner

AND

1. The State of Telangana, Represented by its Public Prosecutor, Through
Station House Officer, Police station- Hussaini Alam Hyderabad district.

...The State/Respondent No.1

2. Jameel Unnia Begum, W/o. Late Mohammed Farooq Mohiuddin, Aged about
57 years, Occ. Housewife, R/o H.No.20-4-226/13, Bahadurpura, Hyderabad.

...De-facto Complainant/Respondent No.2

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 all further proceedings against the Petitioner/A-1 in connection with Crime in F.I.R No.343 of 2022, dated 28-12-2022 on the file of Hussaini Alam Police Station, Hyderabad district.

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 all further proceedings against the Petitioner/A-1 in connection with Crime in F.I.R No.343 of 2022, dated 28-12-2022 on the file of Hussaini Alam Police Station, Hyderabad district, during pending disposal of present quash petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SRINIVAS KAPATIA, 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: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.558 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.1 to quash the proceedings against him in FIR No.343 of 2022 pending on the file of Station House Officer, Hussaini Alam Police Station, Hyderabad. The offence alleged against him is under Section 384 read with 34 and 511 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.343 of 2022 pending on the file of Station House Officer, Hussaini Alam 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 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/- L. SIVA PARVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Chief Metropolitan Magistrate at Nampally, Hyderabad.
2. The Station House Officer, Hussaini Alam Police Station, Hyderabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. SRINIVAS KAPATIA, Advocate [OPUC]
5. Two CD Copies

PSR

HIGH COURT

KS,J

DATED:19/01/2023

ORDER

CRLP.No.558 of 2023



DISPOSING OF THE CRIMINAL PETITION.

(8)

MBL
25/1