

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

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

**PRESENT  
THE HON'BLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION NO: 724 OF 2023**

**Between:**

Mohammed Yunus @ Shaik Younus, S/o.Abdul Khuddus (A-1)

...Petitioner/Accused

**AND**

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, at Hyderabad.
2. Mohammed Anwar, S/o. late Shaik Moiuddin, R/o. H.No. 10-196/8, Bismillah Colony, Venkatapur Road, Balapur Mandal, Ranga Reddy District.

...Respondent/De facto complainant

Petition under Section 482 of Cr.P.C., praying that in the circumstances stated in the petition, the High Court may be pleased to quash the proceedings in Crime No.9/2023 of Balapur Police Station, Rachakonda District, against the petitioner, in the interest of justice.

**I.A. NO: 1 OF 2023:**

Petition under Section 482 of Cr.P.C., praying that in the circumstances stated in the petition, the High Court may be pleased to stay all further investigation including arrest of the petitioner in Crime No.9/2023 of Balapur Police Station, Rachakonda District, pending disposal of the criminal petition.

The Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition, and upon hearing the arguments of Sri C.SHARAN REDDY, Advocate for the Petitioner and of the Asst. Public Prosecutor, on behalf of the Respondent No.1, the Court made the following;

**THE HONOURABLE SRI JUSTICE K.SURENDER****CRIMINAL PETITION No.724 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 F.I.R.No.9 of 2023 pending on the file of Balapur Police Station, Rachakonda District. The offences alleged against the petitioner is under Sections 323, 363, r/w 34 of Indian Penal Code (for short "IPC").

2. Heard the learned counsel for the petitioner/Accused and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. Since the punishment prescribed for the offence alleged against the petitioner is below seven years, the respondent-Police are directed to carry out the investigation by following the procedure as contemplated under Section 41-A Cr.P.C and the guidelines formulated by the Hon'ble Supreme Court in case of **Arnesh Kumar v. State of Bihar**<sup>1</sup> scrupulously and also directed not to arrest the

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<sup>1</sup> (2014) 8 SCC 273

petitioner till completion of investigation. It is needless to say, any deviation in this regard will be viewed seriously.

4. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- A.V.S.PRASAD  
ASST. REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Addl. Junior Civil Judge, cum I Addl. Metropolitan Magistrate, L.B. Nagar, RR District.
2. The Station House Officer, Balapur Police Station, Rachakonda.
3. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
4. One CC to Sri C. Sharan Reddy, Advocate (OPUC)
5. One Spare copy

HIGH COURT

KS,J

DATE: 24-01-2023

ORDER

CRL.P. NO. 724 OF 2023



CRL.P. IS DISPOSED OF

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*[Handwritten signature]*  
28/01/2023