

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

**FRIDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 826 OF 2023

Between:

Ahmed Bin Osman, S/o. Osman Bin Azaan, Aced. 27 Years, Occ. Lab Technician,
R/o H. No.19-3-294/23/A/1, Fatima Nagar, Vattepally, Charminar, Hyderabad.
(Husband of the 2nd respondent)

...PETITIONER/ACCUSED No.1

AND

1. The State of Telangana through SHO P.S. WPS DD, Hyderabad Rep., by Public Prosecutor, High Court For the State of Telangana, At Hyderabad.
2. Smt Sana Khatoon, W/o. Ahmed Bin Osman, Age. 26 years, Occ. Housewife, R/o.H.No. 10-06-254, Bada Bazar, 1st Lancer, Masab Tank, Hyderabad.

...RESPONDENTS/ Respondents

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 the records pertaining to and connected with FIR No. 833 of 2022 on file of the Station House officer, WPS DD Police station, Hyderabad District and quash the same in so far as petitioner/A1 is concerned.

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 including not to arrest the Petitioner/A1 in connection with FIR No. 833 of 2022 on file of the Station House officer, WPS DD Police station, Hyderabad District pending disposal Crl.Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Laxmaiah Kanchani, 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.826 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.833 of 2022 pending on the file of Station House Officer, WPS, CCS, Hyderabad. The offences alleged against the petitioner are under Sections 498-A and 323 of Indian Penal Code (for short "IPC") and Sections 3 and 4 of Dowry Prohibition Act (for short "DP Act")

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent No.1 – State.

3. On perusal of the record, since the punishment prescribed for the offences alleged against the petitioner are up to seven years, this Court deems it appropriate to direct the Investigating Officer in FIR No.833 of 2022 pending on the file of Station House Officer, WPS, CCS, Hyderabad, to follow the procedure laid down under Section 41-A Cr.P.C and also the guidelines formulated by

the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹ scrupulously. The petitioner shall co-operate with the Investigating Officer in concluding the investigation.

4. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

¹ (2014) 8 SCC 273

SD/-P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.
 2. The Station House Officer , P.S. , WPS , D.D. Hyderabad.
 3. Two CCs to Additional Public Prosecutor, High Court for the State of Telangana (OUT)
 4. One CC to SRI. LAXMAIAH KANCHANI, Advocate [OPUC]
 5. Two CD Copies
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HIGH COURT

DATED:27/01/2023



ORDER

CRL.P.No.826 of 2023

DISPOSING OF THE CRL.PETITION.

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