

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 1078 OF 2023

Between:

1. Abdul Qadeer Khan, S/o Abdul Kareem Khan, Aged about 55 years, Occ. Business
2. Abdul Samad, S/o. Abdul Qadeer Khan, Aged about 33 years, OCC. Business.

Both R/o H.No. 8-2-603/B/29, Zehra Nagar, Banjara Hills, Road No.10, Hyderabad.

...PETITIONER Nos. 1 & 2/ACCUSED No. 1 & 2

AND

1. The State of Telangana, through S.H.O. Banjara Hills Police Station, Hyderabad City, rep. by its Public Prosecutor, High Court, Hyderabad.
2. Mohammed Atif Aziz S/o Muneer Ahmed Afser Aged about 37 years, Occ. Business, R/o.H.No. 8-2-603/8, Road No.10, Madina Masjid, Banjara Hills, Hyderabad.TS.

...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 call for the records relating to the Cr.No.50 of 2023 on the file of the III Addl. Chief Metropolitan Magistrate at Hyderabad, and quash the proceedings.

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 grant stay of all further proceedings including not to arrest the petitioners in Cr.No.50 of 2023 Banjara Hills P.S. (on the file of the III Addl. Chief Metropolitan Magistrate at Hyderabad), pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri NARESH KUMAR NEEMKAR, 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.1078 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 petitioners/Accused Nos.1 and 2 to quash the proceedings against them in FIR No.50 of 2023 pending on the file of Banjara Hills Police Station at Hyderabad. The offences alleged against them are under Sections 384, 448, 506, 509 of the Indian Penal Code (for short "IPC").

2. Heard both sides.

3. The case of the respondent No.2/de-facto complainant is that petitioners/accused No.1 and 2 have trespassed into his property and threatened him. The case is still under investigation and all the offences alleged against them are punishable less than seven (07) years.

4. In view of the aforesaid submission of the learned counsel for the petitioners/Accused Nos.1 and 2, this Criminal Petition is disposed of directing the Investigating

Officer in FIR No.50 of 2023 pending on the file of Banjara Hills Police Station at 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 **Armesh Kumar v. State of Bihar¹**. The petitioners/Accused Nos.1 and 2 shall co-operate with the Investigating Officer by furnishing information and documents as sought by them in concluding the investigation.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- G. SIREESHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Addl. Chief Metropolitan Magistrate at Hyderabad
2. The Junior Civil Judge, City Civil Court at Hyderabad
3. The I Additional Chief Metropolitan Magistrate at Nampally Court, Hyderabad
4. The X Chief Judge, City Civil Court, Hyderabad
5. The Station House Officer, Banjara Hills Police Station, Hyderabad
6. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
7. One CC to SRI. NARESH KUMAR NEEMKAR Advocate [OPUC]
8. Two CD Copies

¹ (2014) 8 SCC 273

N. J.

HIGH COURT

KS, J

DATED: 02/02/2023

ORDER

CRLP.No.1078 of 2023



DISPOSING OF THE CRIMINAL PETITION

⑪ VLV
20/2/23