

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

MONDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 1964 OF 2023

Between:

Dr. A Ramaiah, S/o A V S Ramachandra Rao, Age.72, Occ.Rtd Doctor, 1-4-87,Near
Market road,Suryapet, Nalgonda,TS-508213.

...PETITIONER/ACCUSED

AND

1. The State of Telangana and another, Rep by SHO ,PS,Vanasthalipuram
Through Public Prosecutor, Honble High Court At Hyderabad.
2. Sri.K. Laxmaiah, S/o.K.V.Narsaiah, Age about 74 years Occ.Retd., Govt.
Servant, R/o H.No.HIG-36, Near Canara Bank, Vanasthalipuram, Hyderabad-
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...RESPONDENT/COMPLAINANTS

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 FIR No.176/2023 Dt.06.02.2023 on the file of SHO, PS,
Vanasthalipuram, Rachakonda for the alleged offences punishable U/s 406,420,
IPC.

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 proceedings in the FIR No.176/2023 Dt.06.02.2023 on the
file of SHO, PS, Vanasthalipuram, Rachakonda for the alleged offences
punishable U/s 406,420, IPC.

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 dispense with filing of the original certified copy of FIR NO.176/2023, dated 06.02.2023 on the file of SHO, PS, Vanasthalipuram, Rachakonda before this Honble Court.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Ponaka Rahul Reddy, Advocate for the Petitioner and the Additional Public Prosecutor (TG/AP) on behalf of the Respondent No. and non appeared for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.1964 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.176 of 2023 pending on the file of Station House Officer, Vanasthalipuram Police Station, Rachakonda, filed for the offences punishable under Sections 406 and 420 of Indian Penal Code (for short "IPC").

2. Heard learned counsel for the petitioner – Accused and learned Additional Public Prosecutor for the respondent – State. Perused the material on record.

3. The 2nd respondent - *de facto* complainant and others have collected money for purchasing a land to establish an "Ashram" and the said amounts were handed over to this petitioner. But, the petitioner failed to return the amounts.

4. As seen from the complaint, there are no specific amounts or the transactions that were given or any receipts are filed along with the complaint to infer that there were such transactions in question.

5. For the said reason, this Court deems it appropriate to direct the Investigating Officer in respect of FIR No.176 of 2023 pending on the file of Station House Officer, Vanasthalipuram Police Station, Rachakonda, to conclude the investigation without taking any coercive steps against the petitioner – accused, by strictly following 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, by considering the explanation given by this petitioner. The petitioner shall co-operate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

6. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

1 (2014) 8 SCC 273

Sd/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

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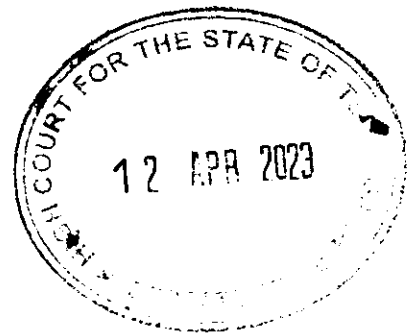
SECTION OFFICER

To,

1. The Station House Officer, Vanasthalipuram Police Station, Rachakonda
2. One CC to Sri Ponaka Rahul Reddy, Advocate [OPUC]
3. Two CCs to Public Prosecutor, High Court for the State of Telangana (OUT)
4. Two CD Copies

HIGH COURT
DATED:27/02/2023

ORDER
CRLP.No.1964 of 2023



Disposing of the
Criminal Petition

7 copies

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23/3/23