

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

TUESDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 2010 OF 2023

Between:

Dameruppula Ashok, S/o. Late Mogli, aged about 42 years, Occ. Business, R/o. H.No.1-100, Narlavai Village, Sangam Mandal, Warangal District.

...PETITIONER/ACCUSED No.2

AND

1. Bochu Swapna, W/o. Late Sanjeeva, aged 36 years, Occ. Housewife, R/o. H.No.46-6-93, Reddypalem, Warangal.
2. State of Telangana, rep. by P.P. High Court for the State of Telangana at Hyderabad.

...RESPONDENTS/DE-FACTO/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 quash the Proceedings in Cr.No.44 of 2023 of Enumamula Police Station, Warangal District.

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 of all further Proceedings including appearance of the petitioner in Cr.No.44 of 2023 of Enumamula Police Station, Warangal District, pending quash petition and pass

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 the filing of certified copy of FIR in Cr.No.44 of 2023 of Enumamula Police Station, Warangal District in Cr.P.No. of 2023.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri NEELI RISHI KUMAR, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.2 and of None appeared for the Respondent No.1.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.2010 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.2 to quash the proceedings against them in FIR No.44 of 2023 pending on the file of Station House Officer, Enumamula Police Station, Warangal District. The offences alleged against him are under Sections 420, 468, 471 read with 34 of I.P.C.

2. Heard both sides.
3. After arguing for sometime, learned counsel for the petitioner confines their prayer to direct the police to follow the procedure prescribed under Section 41-A of Cr.P.C. for reason of the offences alleged against the petitioner is punishable less than seven (07) years.
4. Since the transactions are pertaining to the sale transactions and the case appears to be predominately civil in nature, this Court deems it appropriate to direct the Investigating Officer in FIR No. 44 of 2023 pending on the file of Station House Officer, Enumamula Police Station, Warangal District, 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.

5. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

1(2014)8 SCG 273

Sd/- P.CH. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Judicial Magistrate of First Class, Warangal At: Hanamkonda.
2. The Station House Officer, Enumamula Police Station, Warangal District
3. Two CC to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Sri Neeli Rishi Kumar, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

KS, J

DATED:28/02/2023



ORDER

CRLP.No.2010 of 2023

CRIMINAL PETITION IS DISPOSED OF

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