

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 2220 OF 2023

Between:

Suresh Goud Marati, S/o M. Satyanarayana, Aged 35 years, Occ. Business,
R/o 731, Narayanai Venkata Siva Sai Nivas, Beside Gram Panchayat Office,
Pragathi Nagar, Nizampet, KV Ranga Reddy. (A.2),

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Through Nallakunta Police Station, Rep. by Public Prosecutor, High Court for the State of Telangana, High Court, Hyderabad.
2. Srinivas Mothey, S/o Not known, Aged about 45 years, Occ. Business, R/o 2-1-528/1, Nallakunta, Hyderabad - 500 044. Cell No. 9845922221.
3. Swetha Mothey, W/o Srinivas Mothey, Aged 40 years, Housewife, R/o 2-1-528/1, Nallakunta, Hyderabad - 500 044. Cell No. 9845922221.

...RESPONDENTS/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 proceedings in F.I.R.NO. 6 of 2023 dt. 05-01-2023 on the file of Nallakunta Police Station, Hyderabad.

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 arrest of the Petitioner of the Petitioner in F.I.R.NO. 6 of 2023 dt. 05-01-2023 on the file of Nallakunta Police Station, Hyderabad

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri G. SUNDARESAN, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No. 1 and none appeared for the Respondent No. 2 & 3.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.2220 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. 6 of 2023 pending on the file of Station House Officer, Nallakunta Police Station, Hyderabad. The offences alleged against him are under Sections 406 and 420 of Indian Penal Code (for short 'IPC').

2. Heard both sides.

3. After arguing sometime, learned counsel for the petitioner confines his prayer to direct the police to follow the procedure prescribed under Section 41-A of Cr.P.C. for the reason of the offences alleged against the petitioner are punishable less than seven (07) years.

4. In view of the aforesaid submission of the learned counsel for the petitioner, this Criminal Petition is disposed of directing

the Investigating Officer in respect of FIR No. 6 of 2023 pending on the file of Station House Officer, Nallakunta Police Station, Hyderabad, shall 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. Further, the Investigating Agency shall consider the explanation given by the petitioner during the course of investigation. The petitioner shall co-operate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IV Additional Chief Metropolitan Magistrate at Hyderabad
2. The Station House Officer, Nallakunta Police Station, Hyderabad
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI. G. SUNDARESAN, Advocate [OPUC]
5. Two CD Copies

VH
NJB

HIGH COURT

KS, J

DATED: 03/03/2023

ORDER

CRLP.No.2220 of 2023



**DISPOSING OF THE CRIMINAL
PETITION**

⑧
MA
27/3/23