

HIGH COURT FOR THE STATE OF TELANGANA

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

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 2378 OF 2023

Between:

Syed Ayub S/o Syed Jaffer

...PETITIONER/ACCUSED No.2

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Judicature at Hyderabad For the State of Telangana through Station House Officer, Golconda Police Station.
2. Mohammed Khadeer Pasha S/o Mohammed Yousuf Ali Occ: Business, R/o Near Apex High School, Golconda, Hyderabad.

...RESPONDENT/Defacto 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 Crime No. 18 of 2023 dated 21.01.2023 for the offences Under Section 420, 406, 506 of IPC on the file of Golconda Police Station, Hyderabad against the Petitioner/Accused No.2 in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M.A.Mujeeb, Advocate for the Petitioner and the Public Prosecutor (TG/AP) 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.2378 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 him in FIR No.18 of 2023 pending on the file of Station House Officer, Golconda Police Station, Hyderabad. The offence alleged against the petitioner is punishable under Section 506 of Indian Penal Code (for short 'IPC').

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

3. Learned counsel for the petitioner submits that though the crime was registered for the offence punishable under Section 506 of IPC, the Police have later included offences punishable under Sections 420 and 406 of IPC. Since all the offences are punishable less than seven (07) years, learned counsel for the petitioner urges this Court to direct the Police to follow the

procedure prescribed under Section 41-A of Cr.P.C. and conclude investigation.

4. On the other hand, learned Additional Public Prosecutor submits that there are (15) cases pending against this petitioner and in spite of the order to follow the procedure prescribed under Section 41-A of Cr.P.C. in the earlier petitions that were filed by this petitioner, the petitioner failed to appear before the concerned Police Officer for the purpose of assisting investigation.

5. Contrary to the submissions of the learned Additional Public Prosecutor, learned counsel for the petitioner submits that written explanation was already sent by this petitioner to all the notices under Section 41-A of Cr.P.C., which were issued earlier.

6. In view of the aforesaid submissions, this Court deems it appropriate to direct the Investigating Officer in respect of FIR No.18 of 2023 pending on the file of Station House Officer, Golconda Police Station, Hyderabad, to strictly follow the procedure laid down under Cr.P.C. while investigating the case and conclude investigation as expeditiously as possible. The

petitioner shall co-operate with the Investigating Officer as and when required in concluding the investigation. In the event of the failure of the petitioner to assist investigation, the Police are at liberty to take the petitioner into custody in accordance with law.

7. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- T. JAYASREE
ASSISTANT REGISTRAR
SECTION OFFICER

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To,

1. The XVII Additional Chief Metropolitan Magistrate at Hyderabad
2. The Station House Officer, Golconda Police Station Hyderabad
3. Two CC Public Prosecutor, High Court of Judicature at Hyderabad For the State of Telangana.
4. One CC to SRI. M.A.Mujeeb Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

KSJ

DATED: 10.03.2023

ORDER

CRLP NO. 2378 OF 2023



DISPOSING THE CRIMINAL PETITION.

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21/3/23