

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

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

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 3073 OF 2023

Between:

1. Kattaiah Dornala, S/o. Komuraiah, aged 68 years Occ. Agriculture, R/o. H No. 3-133, Jangalapally, Mulugu Incherla, Mulugu District
2. Anitha Dornala, W/o. Dornala Govardhan, aged 64 years Occ. House wife, R/o. H No. 3-9-120/A Reddy Colony, Hanumakonda.
3. Bandaru Mohan Kumar, S/o. Sammaiah, aged 52 years, Occ. Agriculture, R/o. H No. 1-107, Andhra Kesari Road, Mulugu, Mulugu District.

...PETITIONERS/ACCUSED No. 1 to 3

AND

1. State of Telangana, Through SHO, Mulugu Police Station, Mulugu District Rep. By its Public Prosecutor High Court at Hyderabad for the State of Telangana
2. Mallaiah Emmadi, S/o. late Odhelu, aged 68 years, R/o. agriculture, R/o. Mulugu village and mandal, Mulugu District.

...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 QUASH the proceedings in Crime No. 30/2023 on the file of the SHO, Mulugu Police Station, Mulugu District against the petitioners/ accused No.1 to 3.

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 the certified copy of the Crime No. 30/2023 on the file of the SHO, Mulugu Police Station, Mulugu 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 the proceedings in Crime No. 30/2023 on the file of the SHO, Mulugu Police Station, Mulugu District including the arrest of the petitioners/ accused no.1 to 3, pending disposal of main criminal petition.

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

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.3073 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/A-1 to A-3 to quash the proceedings against them in FIR No.30 of 2023 pending on the file of Station House Officer, Mulug, Mulug District, registered for the offences punishable under Sections 420, 447, 290, 323, 506 read with section 34 of the Indian Penal Code.

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

3. On perusal of the record, since the punishment prescribed for the offences alleged against the petitioners are up to seven years, this Court deems it appropriate to direct the Investigating Officer in FIR No.30 of 2023 pending on the file of Mulug Police Station, Mulug District, to follow the procedure laid down under Section 41-A Cr.P.C., and also the guidelines formulated by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of***

Bihar¹ scrupulously. The petitioners shall co-operate with the Investigating Officer in concluding the investigation.

4. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- N CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Pri District Court, Mulugu.
2. The Judicial First Class Magistrate at Mulugu.
3. The Station House Officer, Mulug Police Station, Mulugu District.
4. Two CC to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to Sri Ajay Kumar Madisetty, Advocate [OPUC]
6. Two CD Copies

BJLB

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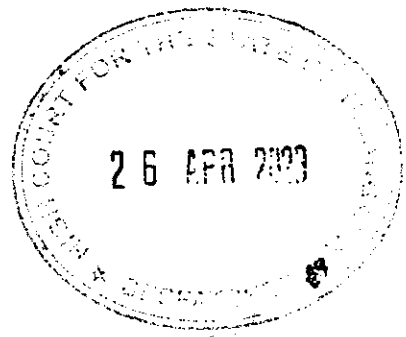
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¹ (2014) 8 SCC 273

HIGH COURT

KS, J

DATED:27/03/2023



ORDER

CRLP.No.3073 of 2023

CRIMINAL PETITION IS DISPOSED OFF

(9) Copies

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25/4/23