

HIGH COURT FOR THE STATE OF TELANGANA

**THURSDAY ,THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 3152 OF 2023

Between:

1. Prashant Kumar Upraity, S/o.Devendra Kumar Uparaity Aged about 41 years,Occ. Medical Practitioner, R/o.Shop No.1 , Super Complex, Kalasiguda, Secunderabad.
2. K.A. Bakshi, S/o. Md. Salamat Ahmed Bakshi, Aged about 65 years, Occ. Medical Practitioner, R/o. H.No.186, Karkhana, Secunderabad.,
...PETITIONER/ACCUSED(S)

AND

1. State of Telangana, through P.S.Mahankali Police Station, Hyderabad, Rep.by Public Prosecutor.
2. Munir T.Khambati, S/o. late T.N. Khambati, Aged about 55 years, Occ. Business, R/o. F-1, Vikramputi Colony, Tirumalgherry, Secunderabad.
...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 proceedings in FIR No.32/2023 on the file of Mahankali Police Station, Hyderabad, arid 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 stay all further proceedings in FIR No.32/2023 on the file of Mahankali Police Station, Hyderabad, pending disposal of the quash petition, and pass

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri KONA N.D.V.RAMANA RAO ,Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the Respondent No. 1

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.3152 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-accused Nos.1 and 2 to quash the proceedings against them in respect of FIR No.32 of 2023 pending on the file of Station House Officer, Mahankali Police Station, Hyderabad. The offence alleged against the petitioners is punishable under Section 420 of Indian Penal Code (for short 'IPC').

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

3. Initially, the crime was registered for the offence punishable under Section 420 of IPC. When accused No.1 was remanded, the police added the provisions under Sections 419, 467, 468 and 471 of IPC.

4. The allegation against the petitioners is that certificates were fabricated. The *Hon'ble Supreme Court in Bhausahab Kalu*

*Patil vs State of Maharashtra*¹ held that forgery would not amount to an offence punishable under Section 467 of IPC.

5. For the said reason and since the punishment prescribed for all the other offences alleged against the petitioners is punishable up to seven years, this Court deems it appropriate to direct the Investigating Officer in FIR No.32 of 2023 of Mahankali Police Station, Hyderabad, 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 Bihar***² scrupulously. The petitioners shall co-operate with the Investigating Officer in concluding the investigation as and when required. In the event of requirement of specimen signatures by the investigating agency, the same shall be provided by the petitioners.

6. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

*11 Criminal Appeal No. 204 of 1973
2 (2014) 8 SCC 273*

Sd/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

M. J. Reddy
SECTION OFFICER

To,

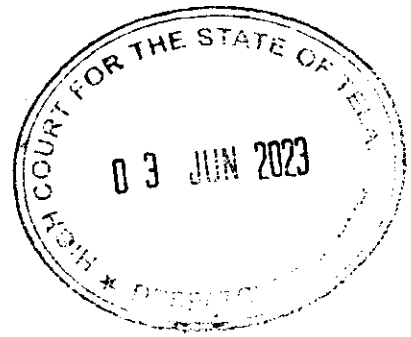
1. The XI Addl. Chief Metropolitan Magistrate at Secunderabad..
2. The SHO Mahankali P.S., Secunderabad..

3. One CC to SRI. KONA N.D.V.RAMANA RAO Advocate [OPUC]
4. Two CCs to SRI. PUBLIC PROSECUTOR Advocate [OUT]

Two CD Copies

HIGH COURT

DATED:27/04/2023



CRLP.No.3152 of 2023

DISPOSED OFF

⑧
PM
19/5/23