

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

**TUESDAY, THE FOURTH DAY OF APRIL  
TWO THOUSAND AND TWENTY THREE**

**PRESENT**

**THE HONOURABLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION NO: 3314 OF 2023**

**Between:**

N. Harshavardhan Reddy S/o N. Ram Reddy, aged about 28 years, Occ.  
Agriculture R/o Dathagiri Colony, Zaheerabad, Sanga Reddy District

**...PETITIONER/ACCUSED No. 1**

**AND**

1. State of Telangana and, represented through Public Prosecutor at High Court, Hyderabad
2. Begari Maruthi, S/o Bhoomaiah, aged about 52 years, Occ: Teacher R/o Plot.No. 37. Dathagiri Colony, Zaheerabad, Sanga Reddy District

**...RESPONDENTS**

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. 70 of 2023 on the file of Zaheerabad Town P.S. (Sanga Reddy District), in so far as petitioner herein is concerned, in the interests of justice

**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 grant interim stay of all further proceedings, in Cr.No. 70 of 2023 on the file of Zaheerabad Town P.S. (Sanga Reddy District), in so far as petitioner herein is concerned, 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 N. SREEDHAR REDDY, Advocate for the Petitioner and the 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.3314 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.1 to quash the proceedings against him in respect of FIR No.70 of 2023 pending on the file of Station House Officer, Zaheerabad Town Police Station, Sanga Reddy District.

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

3. The case of the 2<sup>nd</sup> respondent – *de facto* complainant is that the petitioner along with others trespassed into his house and inmates were beaten with hands and legs.

4. Initially, the present FIR No.70 of 2023 was registered for the offences punishable under Sections 448, 323 and 506 read with Section 34 of IPC. However, when accused Nos.2 to 7 were remanded by the police, in the remand report, the provision under Section 326 of IPC is shown. Aggrieved by the same,

accused No.1 has filed the present criminal petition on the ground that when the beating is with hands and fist blows, the question of attracting an offence under Section 326 of IPC does not arise.

5. To attract an offence under Section 326 of IPC, a person should have been voluntarily caused grievous hurt by means of any instrument used for shooting, stabbing or cutting, used as a weapon, which is likely to cause death.

6. Admittedly, the injured were fisted with hands and the question of using any such instrument that falls within the ingredients of Section 326 of IPC does not arise. For the said reason, this Court deems it appropriate to direct the Investigating Officer in respect of FIR No.70 of 2023 of Zaheerabad Town Police Station, Sanga Reddy 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 Bihar**<sup>1</sup> scrupulously. The petitioner shall appear before the police and execute a personal bond for an amount of Rs.50,000/- (Rupees Fifty Thousand only) and shall co-operate

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<sup>1</sup> (2014) 8 SCC 273

with the Investigating Officer in concluding the investigation, as and when required.

7. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- C.PRAVEEN KUMAR  
ASSISTANT REGISTRAR

//TRUE COPY//

  
SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Zaheerabad
2. The Station House Officer, Zahirabad Town Police Station, Sangareddy
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI. N. SREEDHAR REDDY, Advocate [OPUC]
5. Two CD Copies

VH



HIGH COURT

DATED: 04/04/2023



ORDER

CRLP.No.3314 of 2023

DISPOSED OF THE CRIMINAL  
PETITION

*Handwritten signature and date:*  
12/04/2023